

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

3 -----
4 UNITED STATES OF AMERICA,

5 -versus-

08-CR-77

6 LINDA O'CONNOR and DEAN SACCO.
7 -----

8 TRANSCRIPT OF JURY TRIAL

9 held in and for the United States District Court,
10 Northern District of New York, at the Federal Building and
11 Courthouse, 15 Henry Street, Binghamton, New York, on
12 WEDNESDAY, May 21, 2008, before the HON. THOMAS J. McAVOY,
13 Senior United States District Court Judge, PRESIDING.

14 APPEARANCES:

15 FOR THE GOVERNMENT:

16 UNITED STATES ATTORNEY'S OFFICE

17 BY: MIROSLAV LOVRIC, AUSA

18 Binghamton, New York

19 FOR THE DEFENDANT O'CONNOR:

20 FEDERAL PUBLIC DEFENDER'S OFFICE

21 BY: LISA PEEBLES, AFPD

22 Syracuse, New York

23 FOR THE DEFENDANT SACCO:

24 KELLY FISCHER, ESQ.

25 Binghamton, New York

USA vs Linda O'Connor

1667

1 (Jury excused).

2 THE COURT: You find it unusual that the
3 defendant has a right to see the witness when the
4 defendants --

5 MR. LOVRIC: No. I just find it unusual we're
6 going to have the witness sitting in an uncomfortable
7 position.

8 THE COURT: Which is more important in a legal
9 sense?

10 MR. LOVRIC: Judge, I can't solve the
11 courtroom dynamic problems.

12 THE COURT: I'm not asking you. I'm asking
13 you to take the witness out of the witness box so that we can
14 try to put a cushion in.

15 MR. LOVRIC: Okay. I will, Judge.

16 DEFENDANT SACCO: Your Honor, is this guy
17 going to be allowed to stand there and coach her?

18 THE COURT: If you want to address the Court,
19 address your attorney and we'll go to side-bar.

20 DEFENDANT SACCO: Mr. Fischer, is this guy
21 going to be allowed to stand there and coach the girl?

22 MR. FISCHER: Your Honor, may I have a moment
23 with the Court, please.

24 THE COURT: Sure.

25 (At the Bench).

1 MR. FISCHER: Mr. Sacco has expressed a
2 continuing concern with respect to the bodyguard witness
3 who's seated in the same place that he was yesterday when the
4 witness was testifying. I've been told and, in fact, I read
5 in today's paper that the witnesses are -- the people behind
6 the bar were giving hand signals of some sort to the witness.
7 I couldn't see it. We addressed it yesterday but Mr. Sacco
8 has asked me again to raise it this morning because the
9 gentleman is where he once was.

10 THE COURT: I think Mr. Lovric talked to the
11 people about that and if it begins to happen again, we'll
12 recess the Court and I'll address it because the next step
13 will be they'll be excluded from the courtroom, but I'm not
14 taking that step unless and until it becomes necessary and
15 it's got to be substantial before I do that. But he is
16 sitting back where he was before, he moved yesterday
17 afternoon but I think Mr. Lovric told him and the others not
18 to be involved. Let's see if that's okay.

19 MR. FISCHER: Thank you.

20 MR. LOVRIC: I did, Judge. I spoke to all of
21 those individuals yesterday and asked them not to in anyway
22 make any kind of gestures or motions or do anything, except
23 watch, and they assured me that would not be a problem.

24 THE COURT: Hopefully that will happen.

25 (Jury present).

Shannon O'Connor - Cross

1669

1 THE COURT: Morning, again, ladies and
2 gentlemen. You guys ready? Okay. Where are we?
3 Mr. Fischer --

4 MR. FISCHER: Thank you.

5 THE COURT: -- is cross-examining.

6 MR. FISCHER: May it please the Court.

7 THE COURT: You may go ahead.

8 BY MR. FISCHER:

9 Q Miss O'Connor, good morning.

10 A Good morning.

11 Q You understand what an oath is?

12 A Not really. I've heard of it in school.

13 Q Do you know what it means to swear to tell the
14 truth?

15 A Yes.

16 Q Have you ever taken an oath before?

17 A I'm not sure.

18 Q Mr. McBride was here yesterday?

19 A Yes.

20 Q Do you know Mr. McBride is the district attorney
21 from Chenango County?

22 A Yes.

23 Q You met with Mr. McBride back in March of 2007
24 concerning this matter?

25 A Yes.

Shannon O'Connor - Cross

1670

1 Q And you testified in front of grand jurors in March
2 of 2007 regarding these matters?

3 A Yes.

4 Q And before you testified to those jurors, did you
5 raise your hand and take an oath?

6 A I don't remember.

7 Q On March 2, 2007, when you originally spoke with
8 Detective Blenis and you gave that three-page statement, do
9 you remember that you signed it?

10 A Yes.

11 Q Do you remember that on that document it talked
12 about telling the truth?

13 A Yes.

14 Q On March 2, 2007, when you spoke with Detective
15 Blenis, you didn't tell Detective Blenis anything with
16 respect to your mom's involvement, your mom's sexual
17 involvement with you, correct?

18 MR. LOVRIC: Objection.

19 THE COURT: What's the basis for your
20 objection?

21 MR. LOVRIC: We covered this yesterday, Judge.

22 THE COURT: Well, we did. He's kind of
23 getting back into the topic. Under 403, I would ordinarily
24 exclude it. You're going to some place?

25 MR. FISCHER: Yes, sir.

Shannon O'Connor - Cross

1671

1 THE COURT: You may answer that question.

2 A Can you please repeat it.

3 BY MR. FISCHER:

4 Q When you spoke with Detective Blenis in March of
5 2007, as I understand it you didn't tell Detective Blenis
6 about your mom's involvement with you sexually?

7 A No.

8 Q And that's because you were protecting your mom,
9 you didn't want your mom involved, am I correct?

10 A Yes.

11 Q But you weren't protecting Mr. Sacco at the time
12 that you spoke with Detective Blenis in early March of 2007,
13 were you?

14 A No.

15 Q So, if there were things that just related to
16 Mr. Sacco, incidents just with Mr. Sacco, and not your
17 mother, did you tell Detective Blenis about those incidents
18 just involving Mr. Sacco?

19 A I tried get everything out that I could without
20 involving my mother.

21 Q As I understand your testimony, the incident where
22 Mr. Sacco had candles burning, that was in the upstairs
23 apartment?

24 A Yes.

25 Q And that was, as I understand your testimony from

Shannon O'Connor - Cross

1672

1 yesterday, in November of 2007, is that correct?

2 MR. LOVRIC: Objection.

3 A Yeah.

4 MR. FISCHER: I can rephrase.

5 THE COURT: Basis?

6 MR. LOVRIC: It's a misstatement of fact of
7 yesterday's testimony.

8 THE COURT: The attorney's allowed to ask a
9 question if witness X answers yes or no. If the predicate
10 for that question is incorrect, then the witness will tell us
11 by answering no. If it's correct, the witness will say yes.

12 MR. FISCHER: I can rephrase, your Honor.

13 THE COURT: Okay.

14 BY MR. FISCHER:

15 Q The incident involving Mr. Sacco upstairs in the
16 apartment, upstairs at 45 Fair Street when the candles were
17 burning, when did that happen?

18 A In February.

19 Q That was approximately when in February?

20 A I'm not sure about the date.

21 Q February 2007?

22 A Yes.

23 Q Less than a month before you gave your statement to
24 Detective Blenis?

25 A Yes.

Shannon O'Connor - Cross

1673

1 Q And I think we've already established that you did
2 not mention the candles to Detective Blenis at that time?

3 A Yes.

4 Q The first time that you mentioned anything about
5 candles was, in fact, in October of 2007 when you were in the
6 Greater Binghamton Health Center, am I correct?

7 A Yes.

8 Q When you gave the statement to Detective Blenis,
9 were you concerned about protecting Mr. Sacco from any claims
10 against him that he struck you?

11 A I was trying to get out what I could.

12 Q When was it that you claim Mr. Sacco struck you?

13 A What do you mean?

14 Q You claimed that at some point Mr. Sacco hit you,
15 am I correct?

16 A Yes.

17 Q When did you first make that claim?

18 A I don't know exactly when but I was in GBHC.

19 Q So after September of 2007?

20 A After December?

21 Q I'm sorry. After September 2007?

22 A Yes.

23 Q It's clear that you did not mention Mr. Sacco
24 striking you when you spoke with Detective Blenis in March of
25 2007, correct?

Shannon O'Connor - Cross

1674

1 A Yes.

2 Q At some point, as I understand your testimony, at
3 some point Mr. Sacco made a threat to you that he would stab
4 you?

5 A Yes.

6 Q When did that happen?

7 A I don't remember which time it was.

8 Q Do you have an approximate time frame when that
9 event occurred?

10 A I do not remember.

11 Q Did Mr. Sacco threaten you in August of 2006?

12 A No.

13 Q Did Mr. Sacco threaten you in February of 2007?

14 A I do not remember.

15 Q Do you remember the first time you made any
16 disclosure to anybody that Mr. Sacco had threatened you?

17 A When I was in Greater Binghamton Health Center.

18 Q Do you remember a time when your mother and Mr.
19 Sacco were having a disagreement about FEMA money?

20 MR. LOVRIC: Objection.

21 THE COURT: You're asking her does she recall
22 there was a time when there was some discussion between Mr.
23 Sacco and her mother about government funds from FEMA?

24 MR. FISCHER: Yes.

25 THE COURT: She can answer yes or no.

1 Overruled.

2 Q Do you remember that?

3 A I remember them fighting over some kind of money
4 but I do not know if it was FEMA or any of that.

5 Q Do you remember that they were fighting about money
6 coming from the government that was used to purchase a washer
7 and dryer?

8 A I don't remember what they were arguing about, if
9 it was FEMA or something or --

10 Q Do you remember discussion between Mr. Sacco and
11 your mother concerning a washer and dryer?

12 A I remember my mom telling me about it.

13 Q Did there come a time when your mother was on the
14 phone with Mr. Sacco and your mother put you on the phone to
15 speak with Mr. Sacco about the money for the washer and
16 dryer?

17 A I do not remember.

18 Q When you first moved into 45 Fair Street, your mom
19 bought a dog?

20 A Yes.

21 Q Buddy?

22 A Yes.

23 Q Were there subsequent discussions with Mr. Sacco
24 concerning purchasing a second dog?

25 A Yes.

Shannon O'Connor - Cross

1676

1 Q Mr. Sacco said, yeah, you can get another dog?

2 A At one point he did.

3 Q Then he changed his mind?

4 A Yes.

5 Q When was this?

6 A A while before I got my second dog.

7 Q When did you get your second dog?

8 A Some time in January.

9 Q What were those discussions with Mr. Sacco
10 concerning you getting a second dog?

11 A I don't remember.

12 Q You don't remember anything about that?

13 A I remember asking for a second dog.

14 Q And you remember Mr. Sacco originally saying yes?

15 A Yes.

16 Q And you remember then Mr. Sacco changing his mind
17 and saying no?

18 A Yes.

19 Q Do you remember speaking with Mr. Sacco telling him
20 you were upset about that?

21 A Yes.

22 Q Was that in person or was that on the phone?

23 A I do not remember.

24 Q How much before you got your second dog did that
25 conversation occur?

Shannon O'Connor - Cross

1677

1 A I do not remember.

2 Q Do you remember any details of the conversation
3 that you had with Mr. Sacco when you expressed to him you
4 were displeased with him changing his mind?

5 A No.

6 Q In March of 2007, when you spoke with Detective
7 Blenis, did you mention anything to Detective Blenis about
8 you smoking marijuana?

9 A I didn't -- I do not remember.

10 Q You didn't say anything about smoking marijuana in
11 the statement that you signed on March 2, 2007, am I correct?

12 A I do not remember.

13 Q Would it help to look at the statement to refresh
14 your recollection?

15 A Yes.

16 MR. FISCHER: May I approach, your Honor?

17 Q I'll show you your three-page statement. Please
18 look at that.

19 A I do not see it.

20 Q In March of this year when you met with Mr. Lovric
21 here in the Federal Building, March 14 of 2008, was that the
22 first time that you ever made any claim that Mr. Sacco gave
23 you marijuana to smoke?

24 A I do not remember.

25 Q Do you have any idea about the first time that you

Shannon O'Connor - Cross

1678

1 made that claim?

2 A No, I do not.

3 Q Do you remember the event where Mr. Sacco gave you
4 marijuana to smoke?

5 A Yes.

6 Q When did that happen?

7 A Around Thanksgiving.

8 Q November 2007?

9 A I believe so, yes.

10 Q On March 14, when you spoke with Mr. Lovric here,
11 do you remember telling Mr. Lovric that you were given
12 marijuana on one occasion?

13 A I do not remember.

14 Q Do you remember meeting with Mr. Lovric a week,
15 approximately a week later, March 20, 2008, I apologize, here
16 in the Federal Building?

17 A I don't know the exact dates.

18 Q Do you remember discussing with Mr. Lovric on two
19 separate occasions the incident where you were given
20 marijuana?

21 A I do not remember.

22 Q Elizabeth Chesebro was with you during both of --
23 withdraw that. Elizabeth Chesebro was with you when you came
24 here to meet with Mr. Lovric?

25 A Yes.

Shannon O'Connor - Cross

1679

1 Q Every time?

2 A I believe so.

3 Q Have you reviewed Miss Chesebro's notes?

4 A No.

5 Q She took notes during those meetings?

6 A I'm not sure.

7 Q Do you know whether Mr. Lyons when he was present
8 took notes?

9 A Who's Mr. Lyons?

10 Q This gentleman right here.

11 A I do not remember.

12 Q Do you remember whether Mr. Lovric took notes
13 during those meetings?

14 A I believe he did.

15 Q When you were at the YMCA, they have boxing gloves
16 there?

17 A No.

18 Q You've never seen boxing gloves at the YMCA?

19 A I've seen boxing gloves but they weren't from the
20 YMCA.

21 Q Where did you see the boxing gloves?

22 A Dean Sacco had them.

23 Q Where?

24 A In a suitcase.

25 Q What was the suitcase like?

Shannon O'Connor - Cross

1680

1 A I do not remember.

2 Q Do you remember anything about the suitcase?

3 A It had boxing gloves inside it.

4 Q Do you remember the suitcase itself, any
5 description of it at all?

6 A I do not remember.

7 Q Where was the suitcase?

8 A I do not remember.

9 Q When was this that you saw the boxing gloves in the
10 suitcase?

11 A I do not remember.

12 Q When you spoke with the grand jury in March of
13 2007, did you ever speak with the grand jury about Mr. Sacco
14 wearing a cowboy hat?

15 A I do not remember.

16 Q When you spoke with the grand jury in March of
17 2007, did you mention anything to the grand jury about
18 pictures being taken?

19 A No, I did not.

20 Q You remember that?

21 A Yes.

22 Q Mr. Sacco's cellphone, do you remember he had a
23 cellphone?

24 A A couple of times I saw him with a cellphone.

25 Q You saw him with his cellphone?

Shannon O'Connor - Cross

1681

1 A Yes.

2 Q Where was he when you saw him with that cellphone?

3 A I do not remember.

4 Q Do you remember whether he was in the Norwich area
5 at that time?

6 A He had to be.

7 Q Was he using the cellphone?

8 A I do not remember.

9 Q The September 2007 incident at Renee Lang's when
10 you were accessing pornographic sites, do you remember that
11 testimony?

12 MR. LOVRIC: Objection.

13 MR. FISCHER: I apologize, your Honor. I'll
14 rephrase it.

15 THE COURT: I think you've got to change the
16 location.

17 MR. FISCHER: I will rephrase it.

18 BY MR. FISCHER:

19 Q Do you remember in September of 2007 when you
20 accessed pornographic sites at Renee Lang's daughters?

21 A In September 2007 I went to Greater Binghamton
22 Health Center.

23 Q I had not only the place wrong but I had the date
24 wrong too, didn't I?

25 A Yes.

Shannon O'Connor - Cross

1682

1 Q All right. September 2006 at Renee Lang's
2 daughters you accessed pornographic sites?

3 A Yes.

4 Q You were caught doing that?

5 A Yes.

6 Q You were embarrassed by that?

7 A Yes.

8 Q Now, after that incident, you had a suicide
9 attempt?

10 A In -- when I was at Greater Binghamton Health
11 Center.

12 Q After you were caught with respect to the
13 pornographic sites at Renee Lang's daughter's house, you
14 drank a shot of Clorox and a shot of perfume?

15 A No.

16 Q That didn't happen?

17 A I did not drink it.

18 Q Did you tell Elizabeth Chesebro that you did?

19 A No. I injected it with a needle.

20 Q You told Elizabeth Chesebro that you injected a
21 shot of Clorox and a shot of perfume?

22 A I do not remember saying a shot. A shot glass.

23 Q But you did, in fact, inject, after you were caught
24 with pornography at Renee's daughter's house, you did, in
25 fact, inject Clorox and perfume into your body?

Shannon O'Connor - Cross

1683

1 A Yes.

2 Q Where were you when you did that?

3 A In the bedroom I was staying at.

4 Q And did you tell Elizabeth Chesebro that you
5 injected Clorox and perfume?

6 A Yes.

7 Q Were you taken to the hospital after that?

8 A I did not tell her then. I told her sometime when
9 I was in GBHC.

10 Q Were you taken to the hospital after you injected
11 yourself with Clorox and perfume?

12 A No.

13 Q When did that incident occur?

14 A Some time before I was in school.

15 Q When you were still living at Renee Lang's house?

16 A Yes.

17 Q And what happened to you after you injected
18 yourself with Clorox and perfume?

19 A When I went to school, one of my friends -- I was
20 sick in the spot where I had injected it and it was hurting
21 really bad, I told her.

22 Q Did anybody bring it to the attention of school
23 authorities?

24 A No. She was my friend.

25 Q In August of 2006 did you inject yourself at that

1 time also?

2 A Yes, with insulin.

3 Q Are there other times when you have injected
4 yourself, other than August of 2006, and after you were
5 caught at Renee Lang's daughters?

6 A No.

7 Q Just those two times?

8 A Yes.

9 Q When you were living at Renee Lang's house you got
10 a needle of some sort?

11 A Yes.

12 Q Where did you get that?

13 A From Renee because she has them to take her
14 insulin.

15 Q How much did you inject?

16 A One syringe full.

17 Q How big is a syringe?

18 A I -- I don't know the exact measurement.

19 Q Approximately? Can you show everybody how big that
20 was?

21 A A regular size needle for diabetes.

22 Q Yesterday you identified Exhibit 62, I'll show you
23 on the screen. Do you see that?

24 A Yes, I do.

25 Q And when was this created?

Shannon O'Connor - Cross

1685

1 A Some time when I was living with my mom.

2 Q Before you went to Renee Lang's to live or after?

3 A I believe it was.

4 Q So between October of 2006 and at the latest
5 February of 2007?

6 A Yes.

7 Q Now, as I understand it, that piece of paper was
8 found in the shed behind the house at 45 Fair Street?

9 MR. LOVRIC: Objection.

10 THE COURT: Basis?

11 MR. LOVRIC: This witness didn't testify about
12 where that was found.

13 MR. FISCHER: I can rephrase the question,
14 your Honor, I suppose.

15 THE COURT: All right.

16 BY MR. FISCHER:

17 Q Do you know approximately when that document was
18 created?

19 A Some time when I was with my mom.

20 Q Now, as I understand your testimony, after you
21 created that document you threw it out?

22 A Yes.

23 Q Do you remember throwing it out?

24 A Yes.

25 Q Where were you when you threw it out?

Shannon O'Connor - Cross

1686

1 A I do not remember.

2 Q Where did you throw it out?

3 A I do not remember.

4 Q The shed, there was a shed behind the house back
5 there?

6 A Yes.

7 Q In fact, was there a basketball hoop up around that
8 area some place?

9 A Yes.

10 Q You shot hoops out there before?

11 A Yes.

12 Q You spent some time out in the backyard?

13 A Yes.

14 Q The shed was locked?

15 A There was garages --

16 Q I'll put on the screen what's in evidence as
17 Exhibit 51. Do you see that?

18 A Yes.

19 Q And as you look at that picture on the left there
20 are three open garage doors?

21 A Yes.

22 Q And then there seems to be a separate building in
23 the middle?

24 A Yes.

25 Q And then there appear to be three more garage doors

Shannon O'Connor - Cross

1687

1 on the right, do you see that?

2 A Yes.

3 Q And the shed is the building in the middle?

4 A Yes.

5 Q Was that shed locked?

6 A Yes.

7 Q At all times?

8 A Yes.

9 Q The keys to the shed were kept in a stairway going
10 down to the basement?

11 A I do not know.

12 Q When did the Pipers move out from upstairs?

13 A Some time in October.

14 Q Are you sure that it was not November?

15 A I believe so, yes.

16 Q When your mom went to have surgery in August of
17 2006, she said stay with the Pipers?

18 A When she had a kidney stone she told me to stay
19 with the Pipers.

20 Q And does it sound right that that was approximately
21 August of 2006?

22 A Yes.

23 Q Did you get up to the Pipers' apartment, when you
24 went up there, when they were living there, by going up that
25 back entrance?

Shannon O'Connor - Cross

1688

1 A I do not know which entrance I went up in but I did
2 go up to their house.

3 Q Did they ever give you a key to their apartment?

4 A No.

5 Q Did you ever have a key to that second floor
6 apartment?

7 A No.

8 Q Do you know where the keys to the second floor
9 apartment were kept?

10 A No.

11 Q The March 14 and 15 telephone calls to Mr. Sacco,
12 do you remember those?

13 A I remember calling him but I do not remember the
14 dates.

15 Q You remember it was approximately mid March of
16 2007?

17 A Yes.

18 Q And you remember telling Mr. Sacco I'm afraid that
19 I'm pregnant?

20 A Yes.

21 Q Do you remember Mr. Sacco saying to you, go to your
22 mom and discuss this with her?

23 A I do not remember.

24 Q Do you remember Mr. Sacco saying to you go to an
25 adult social worker and discuss it with that person?

Shannon O'Connor - Cross

1689

1 A I do not remember.

2 Q Do you remember Mr. Sacco suggesting that he could
3 go to speak with a teacher?

4 A I do not remember what was exactly said on the
5 phone call.

6 Q Do you have any recollection about that, him saying
7 that?

8 A I do not remember what was -- everything that was
9 said on the phone call.

10 Q I understand that you do not remember everything
11 that was said on the phone call. Do you have a recollection
12 that Mr. Sacco said he would go to speak with a teacher?

13 A I do not remember everything that was said.

14 Q I'm not asking you whether you remember everything.

15 MR. LOVRIC: Objection. I don't really care
16 what Mr. Fischer's trying to do. He should ask the question
17 and let the witness answer it.

18 THE COURT: That's true. Go ahead.

19 MR. FISCHER: I apologize.

20 BY MR. FISCHER:

21 Q I understand that you do not remember everything
22 about that topic?

23 MR. LOVRIC: I'll object again.

24 THE COURT: Let him finish the question, then
25 you can object.

Shannon O'Connor - Cross

1690

1 Q My question is more particular than that. My
2 question is: Specifically do you remember Mr. Sacco saying
3 that he would go and speak with a teacher?

4 A I do not remember.

5 Q During those conversations do you remember Mr.
6 Sacco saying to you you should tell the truth?

7 A I do not remember everything that was said.

8 Q I understand that. But, again, I'm asking you a
9 very specific question.

10 MR. LOVRIC: I object, Judge.

11 THE COURT: I'll sustain it. That should be
12 stricken from the record. Go ahead and ask whatever you want
13 to ask.

14 MR. FISCHER: With respect to that or shall I
15 move on?

16 THE COURT: No. You can pursue that subject
17 but the witness has already told you on a number of occasions
18 that she doesn't remember the contents of that conversation.
19 That doesn't preclude you from asking a particular question
20 about a particular topic no matter what the government thinks
21 about that. You can do that.

22 BY MR. FISCHER:

23 Q I understand you don't remember everything about
24 those conversations. What do you remember about them?

25 A I remember saying that I thought I was pregnant;

Shannon O'Connor - Cross

1691

1 that I was in the library in school when I had called him.
2 And the last time I called I remember being in the chief's
3 office.

4 Q That's all you remember about those conversations?

5 A Yes.

6 Q After your mom and you got caught leaving the Pizza
7 Hut without paying in February of 2007, you went to the
8 Hamiltons?

9 A Yes.

10 Q Was there a time when you were not supposed to have
11 unsupervised telephone contact with your mother?

12 A I do not remember.

13 Q Do you remember that around March 19, 2007 you and
14 your mom had a conversation where your mom read a letter to
15 you that was directed to you from Ray?

16 A I do not remember the date but I do remember her
17 reading a letter to me.

18 Q What was in the letter?

19 MR. LOVRIC: Objection.

20 THE COURT: Sustained.

21 Q What were you read?

22 MR. LOVRIC: Objection.

23 THE COURT: Sustained.

24 MR. FISCHER: Your Honor, I'm offering it to
25 prove an effect upon the witness, not for a hearsay purpose.

Shannon O'Connor - Cross

1692

1 THE COURT: All right. For that purpose only.

2 MR. LOVRIC: I object.

3 THE COURT: Overruled.

4 BY MR. FISCHER:

5 Q You may answer the question.

6 A I do not remember what was read.

7 Q You don't remember anything about that?

8 A I do not.

9 Q It was important to you how Ray felt about you?

10 MR. LOVRIC: Objection. Objection. Can we
11 have a side-bar, Judge?

12 THE COURT: Yes.

13 (At the Bench).

14 THE COURT: Mr. Lovric, you've got to let him
15 finish his question. The Court can't rule on an objection
16 when the Court doesn't know what the question is, even though
17 by topic there may be some indication of what he's going to
18 ask. I need to hear the question before you object.

19 MR. LOVRIC: I apologize.

20 THE COURT: What would you like to put on the
21 record?

22 MR. LOVRIC: Judge, I object because I offered
23 a letter from Ray written, I can't remember which day it was,
24 and the defense objected to that coming in and I offered it
25 for the state of mind of this victim at the time, and the

Shannon O'Connor - Cross

1693

1 Court ruled that that was inadmissible, the letter written
2 from Ray. So I don't really understand how it was
3 inadmissible then but it's now admissible to have her talk
4 about it. I offered this on my question of a witness. So,
5 I'm just a little puzzled as to how it wasn't admissible then
6 and the defense both objected but now they want to get it in
7 in piecemeal, I take it, so I'm just a little puzzled.

8 MISS PEEBLES: Well, first of all, let's
9 clarify this. That's not the same letter and the letter was
10 addressed to Linda and that was -- and Linda was reading her
11 an entirely different letter. The letter you're talking
12 about was from Ray to Linda.

13 MR. LOVRIC: That's what he says.

14 MISS PEEBLES: He's talking about a letter
15 Linda was reading to her.

16 MR. LOVRIC: From Ray.

17 MISS PEEBLES: Not that letter and there was
18 no proof, there was no proof that Shannon ever read the
19 letter that Renee was testifying about.

20 MR. LOVRIC: Exactly.

21 MISS PEEBLES: Entirely different.

22 MR. LOVRIC: That's my point. You guys
23 objected to a letter from Ray to Linda which I tried to get
24 in for the same reason. The defense is now offering -- is
25 asking this witness about a letter that Ray wrote to Linda

Shannon O'Connor - Cross

1694

1 and what Linda said to her was in that letter or read to her.
2 It's the same letter.

3 MR. FISCHER: If I may, your Honor.

4 THE COURT: Sure.

5 MR. FISCHER: The question that was asked was
6 not about the letter. The question that was objected to was
7 not about the letter. The question had to do with whether it
8 was important to this witness at that time about what Ray
9 thought about her.

10 THE COURT: There's been a lot of proof about
11 that.

12 MR. LOVRIC: But you're asking her about what
13 Linda said to her was in the letter.

14 THE COURT: No, he's not asking that. He's
15 asking what her state of mind was as to what Ray did or
16 didn't do and how it might affect her and where Ray was going
17 to be. Was he going to be back with Linda, therefore maybe
18 unseed her from the home and make it so she couldn't be with
19 her mother. That was the gist of the testimony that came in
20 earlier. She was concerned about Linda's relationship with
21 Ray, as how it would effect her and Linda's relationship.

22 MR. FISCHER: I believe there's evidence in
23 the record through Miss Chesebro that Linda read on March 19,
24 2007. Linda read a letter to Shannon that was from Ray
25 directed to Shannon about the subject living with Ray,

Shannon O'Connor - Cross

1695

1 Shannon living with Ray so there is evidence in the record as
2 to this particular event.

3 THE COURT: Let's start back at square one.
4 What is the question you wanted to ask?

5 MR. FISCHER: Basically probe the effect that
6 it had upon Shannon that Ray was seeking custody of her, her
7 feelings about the concern that her mother was in touch with
8 Ray; that Shannon had insecurities and fears about mom
9 leaving Shannon to go with Ray that contributed to Shannon's
10 emotional instability.

11 THE COURT: Well, the second part sounds fine
12 but the first part, she doesn't remember what was the
13 contents of that letter. She testified that it was read to
14 her over the phone from Ray. She doesn't remember that. So,
15 I think you've got to stay away from that particular item but
16 you can ask her about how she felt about Ray and Linda's
17 relationship as how it might bear on her.

18 MR. FISCHER: Okay. Will do. Thank you.

19 (In open Court).

20 BY MR. FISCHER:

21 Q Miss O'Connor, from time to time and before, say,
22 January 1 of 2008, you were aware that Ray was seeking to
23 have custody of you?

24 A I do not remember the dates.

25 Q Going from today backward, do you remember

Shannon O'Connor - Cross

1696

1 approximately how long ago the last conversation you had with
2 anybody about that subject was?

3 A I talked to my therapist about it.

4 Q Do you remember when that conversation was?

5 A Actually my last one was a couple weeks ago.

6 Q Do you remember the first time that it came to your
7 attention that Ray was seeking to have custody of you?

8 A One time when I was at a home visit.

9 Q When you were at a home visit?

10 A Yes.

11 Q When you say a home visit, what do you mean?

12 A I went home to visit my mother.

13 Q Home being 45 Fair Street?

14 A Yes.

15 Q And this was a supervised visit?

16 A Yes.

17 Q With Elizabeth Chesebro present?

18 A I do not remember. There was different people that
19 came.

20 Q Liz accompanied you on many of those home visits?

21 A I do not remember how many times.

22 Q You do remember that Liz accompanied you on some of
23 those visits?

24 A Yes.

25 Q When it came to your attention that Ray was seeking

Shannon O'Connor - Cross

1697

1 custody of you, what thoughts went through your mind about
2 that subject?

3 A I was happy because he wanted to be a part of my
4 life and I was going to have a dad.

5 Q Have you rethought that?

6 A Yes.

7 Q What other thoughts have you had about that
8 subject?

9 A That I need somebody that is stable and that I can
10 look up to and look up to their actions.

11 Q Did the thought ever occur to you -- withdraw that.
12 Did you ever express to anybody a concern that when Ray was
13 released from prison, that Ray and your mother would go off
14 and leave you?

15 A Yes.

16 Q That was a pretty substantial concern?

17 A What does substantial mean?

18 Q It was pretty, pretty important to you at the time,
19 wasn't it?

20 A Yes.

21 Q Do you remember in April of 2007 you wanted to send
22 a picture to Ray?

23 A I do not remember the date but I remember wanting
24 to send him a picture.

25 Q With respect to the date, would you say it was more

Shannon O'Connor - Cross

1698

1 than a year ago?

2 A I don't know the exact time period.

3 Q I understand. Do you know whether you sent the
4 picture or wanted to send the picture to Ray more or less
5 than a year ago?

6 A I do not know.

7 Q What did you name the second dog that you got?

8 A Princess.

9 Q In April 2007, a little over a year ago, Princess
10 was given away, am I correct?

11 A Whenever around Easter was.

12 Q The time when you wanted to send Ray the picture
13 was about the same time that Princess was given away?

14 A I do not remember.

15 Q You know who Sheila Narr is?

16 A Yes.

17 Q You would speak with Sheila about your feelings
18 sometimes?

19 A Yes.

20 Q Do you remember telling Sheila at some time that
21 you wanted to be bad --

22 MR. LOVRIC: Objection.

23 Q -- instead of good.

24 THE COURT: What's the basis of your
25 objection?

Shannon O'Connor - Cross

1699

1 MR. LOVRIC: I believe it's privileged. I
2 believe it's privileged.

3 MR. FISCHER: Your Honor --

4 THE COURT: Overruled.

5 MR. FISCHER: I believe it's disclosed in Miss
6 Chesebro's notes and talked about here without objection.

7 THE COURT: Let's go to side-bar.

8 (At the Bench).

9 THE COURT: Let me hear the question again,
10 Mr. Fischer, if you would.

11 MR. FISCHER: On about April 11, 2007, I don't
12 know whether I mentioned the date when I just spoke with the
13 witness, but the witness told Sheila Narr that the witness
14 wanted to be bad instead of good. That was my question.

15 THE COURT: And your objection to that is
16 what, it's privileged?

17 MR. LOVRIC: I believe it's privileged
18 information.

19 THE COURT: This is different from all the
20 other information we have been getting all along?

21 MR. LOVRIC: No. At the time that they
22 questioned Elizabeth Chesebro she was on the stand and she
23 was disclosing things this person told her. But this is
24 something that she told Sheila Narr not what she told Liz
25 Chesebro.

Shannon O'Connor - Cross

1700

1 MR. FISCHER: The disclosure was still with
2 respect to privileged information though.

3 THE COURT: That's right, and the Court in the
4 beginning of the trial indicated it fully recognized that a
5 lot of this information was privileged and under state law
6 privilege, which governs here, but that the right of
7 confrontation in a case was more important than the
8 privilege. So the Court allowed all of this information to
9 come in and disseminated records on the basis of that and
10 other reasons. I don't really see what the difference is
11 between what this witness told Liz and this witness told
12 Sheila. It's the same thing. I realize Sheila is not on the
13 witness stand. This is asking what the witness said to her
14 about a topic.

15 MR. LOVRIC: Well, what this witness told Liz
16 Chesebro dealt with Liz Chesebro working as her case worker.
17 What she may have told other mental health workers I think is
18 different than what she told Liz Chesebro.

19 MR. FISCHER: Sheila Narr, as I understand it,
20 is a parent aid, I'm not sure there's a privilege there.

21 THE COURT: I don't know what a parent aid is.
22 I'm going to overrule the objection.

23 (In open Court).

24
25 BY MR. FISCHER:

Shannon O'Connor - Cross

1701

1 Q Miss O'Connor, do you remember telling Sheila Narr
2 that you wanted to be bad instead of good?

3 A Yes.

4 Q Do you remember when that was?

5 A Some time when I was around my brother -- my foster
6 brother Jeremy.

7 Q That was at the Hamilton's house?

8 A Yes.

9 Q Did that truly express how you felt at the time?

10 A Yes. I wanted to be different. I wanted to be
11 like my friends and my brother.

12 Q And your friends and your brother were bad?

13 A They got in trouble and people thought it was cool.

14 Q Did you want to get in trouble?

15 A Yes.

16 Q Did you think it was cool?

17 A I thought it was another way for me to get out my
18 feelings.

19 Q Do you remember shortly thereafter you were brought
20 back to the Hamilton's house by the sheriff?

21 A Yes.

22 Q What happened?

23 A My sister, my -- well, she was 16 then, foster
24 sister and me ran away.

25 Q You ran away from the Hamilton's?

Shannon O'Connor - Cross

1702

1 A Yes.

2 Q And at about that time did you write a letter
3 saying you didn't want to live with the Hamilton's any
4 longer?

5 A I do not remember if I wrote one but I know me and
6 my foster sister had talked about it.

7 Q Do you remember that that was about 13 months ago?

8 A I do not know the months or stuff.

9 Q You don't know the months?

10 A I know the months but I do not know if it was
11 exactly 13 months ago or anything like that.

12 Q Is it your recollection that that occurred
13 approximately 13 months ago?

14 A I do not remember how many months ago it was.

15 Q Was it more than a month ago?

16 A Yes.

17 MR. LOVRIC: Objection.

18 THE COURT: Basis?

19 MR. LOVRIC: I think we've covered that she
20 doesn't remember how long it was.

21 MR. FISCHER: Your Honor, the witness' ability
22 to recall events is fundamental in this case. Probing that
23 is imperative.

24 THE COURT: Okay. I'll overrule the
25 objection. Go ahead, ask the question.

Shannon O'Connor - Cross

1703

1 BY MR. FISCHER:

2 Q That event was more than a month ago?

3 A Yes.

4 Q Was it more than six months ago?

5 A Yes.

6 Q When you were living with the Hamiltons, was there
7 a time when you were not supposed to call your mother on the
8 phone?

9 A I do not remember.

10 Q Was there a time when you spoke with Liz Chesebro,
11 when Liz and you had a conversation about the fact that you,
12 when you were living with the Hamiltons, you had called your
13 mother when you weren't supposed to?

14 A Yes. It was on my cellphone.

15 Q Does that refresh your recollection that there was
16 a time when you weren't supposed to do that?

17 A I do not remember. I called on my cellphone.

18 Q The conversation that you and Liz had about this
19 subject, what was that conversation?

20 A I do not remember.

21 Q Do you remember that Liz was not pleased about
22 that?

23 A She wasn't happy about it.

24 Q You didn't tell Liz that you were going to make the
25 phone call to your mother before you made the phone call to

Shannon O'Connor - Cross

1704

1 your mother?

2 A No. It was around Mother's Day.

3 Q So you kind of did that on the sneak?

4 A Yeah.

5 Q There was a time when there was a prospect that
6 your mom was going to go to jail over the Pizza Hut incident,
7 do you remember that?

8 A Yes.

9 Q That was last summer?

10 A Yes.

11 Q And you were pretty concerned about that?

12 A Yes.

13 Q That was pretty important to you at the time,
14 wasn't it?

15 A Yes.

16 Q What effect did that have on you emotionally?

17 A I was sad because I couldn't see my mom. I was
18 happy because I knew she would be taken care of.

19 Q Did you express to Liz that you wanted to go see
20 your mom if your mom went to jail?

21 A Yes.

22 Q Were you allowed to do that?

23 A No.

24 Q You never had any visits with your mom when your
25 mom was in jail?

Shannon O'Connor - Cross

1705

1 A No.

2 Q Your mom went to jail on about July 2 of last
3 summer?

4 A Yes.

5 Q Shortly after that did you write a letter to the
6 family saying you wanted Ray in your life?

7 A Yes.

8 Q That was about the same time that your sister --
9 was it Mandy -- made a false accusation about rape?

10 A Yes.

11 Q And that was about the same time that you told Liz
12 Chesebro that Kim Hamilton never hit anybody in the family?

13 A Yes.

14 Q But then you changed that and then you told Liz, in
15 fact, Kim had hit somebody in the family?

16 A No.

17 Q You never told Liz Chesebro that Kim Hamilton hit
18 anybody?

19 A No.

20 Q Do you remember the police having a conversation
21 with you concerning the subject whether Kim had struck
22 anybody?

23 A No.

24 Q Did you have telephone conversations with your
25 mother when your mother was in jail?

Shannon O'Connor - Cross

1706

1 A Yes.

2 Q During one of those conversations, did you tell
3 your -- withdraw that. During those conversations Liz was
4 listening in, am I correct?

5 A Yes.

6 Q Do you remember having a conversation with your
7 mother last summer when your mom was in jail to the effect
8 that you wanted to breakup with your boyfriend, Casey?

9 A Yes.

10 Q Do you remember during that same telephone
11 conversation having a conversation with your mom, something
12 to the effect that you have fear of Ray?

13 A Yes.

14 Q Do you remember telling your mom that because of
15 that fear of Ray, you wanted somebody around you to protect
16 you?

17 A I believe I said that, yes.

18 Q Do you remember that the next day you started the
19 trauma narrative with Amanda Hartman?

20 A I do not remember the exact time period.

21 Q Were there times when, say, last August, you wanted
22 to speak with your mom but you were not allowed to?

23 A I did talk to her.

24 Q Do you remember an occasion in August of last
25 summer when you told Liz Chesebro I'm upset, I really want to

Shannon O'Connor - Cross

1707

1 talk with my mom and Liz said no, you can't do that?

2 A I do not remember that.

3 Q Who is Rhett Jenung?

4 A He was my camp counselor and the DJ.

5 Q Did you like Rhett?

6 A Yes.

7 Q Did you have a pretty close relationship with
8 Rhett?

9 A We talked sometimes.

10 Q You started the Norwich middle school in September
11 of last year?

12 A Yes.

13 Q Do you remember that about two weeks after you
14 started school at the Norwich middle school you told Amanda
15 Hartman that you were concerned that your mom would run away
16 with Ray?

17 A I don't remember the exact week or anything but I
18 do remember saying that.

19 Q Do you remember that it was approximately about the
20 time when you started Norwich middle school?

21 A I don't remember the exact date or time period.

22 Q It was before you went to Greater Binghamton Health
23 Center?

24 A I believe so, yes.

25 Q Before you went to the Greater Binghamton Health

Shannon O'Connor - Cross

1708

1 Center you were having visits with people from Chenango
2 County Mental Health, am I correct?

3 A Where I went and saw them?

4 Q I'm sorry.

5 A You mean when I went and saw them?

6 Q Yes.

7 A Yes.

8 Q That started way back in 2006?

9 A Yes.

10 Q And those visits were fairly regular from, say, the
11 summer of 2006 onward?

12 A They became regular after a while.

13 Q How often would you go to Chenango County Mental
14 Health?

15 A I remember at the end, before I went to Greater
16 Binghamton Health Center, I went once a week.

17 Q What date did you go to the Greater Binghamton
18 Health Center?

19 A September 19.

20 Q Of 2007?

21 A Yes.

22 Q And that was because of a suicide attempt?

23 A No.

24 Q Did you have a suicide attempt at about that time?

25 A No.

Shannon O'Connor - Cross

1709

1 Q Do you remember meeting with Amanda Hartman about
2 the time that you went into the Greater Binghamton Health
3 Center?

4 A Yes, that day.

5 Q Do you remember an incident before you met with
6 Amanda Hartman where you took a plastic knife and tried to
7 cut yourself?

8 A I did cut myself, yes.

9 Q And that was on your left wrist?

10 A Yes.

11 Q And you showed that to Amanda Hartman, am I
12 correct?

13 A Yes.

14 Q And your observation of what you showed to Amanda
15 Hartman and the time that you showed her, did that show
16 superficial scratches?

17 A What is superficial mean?

18 Q On the top.

19 A Yes.

20 Q When you went to into Greater Binghamton Health
21 Center, you had conversations with counselors there about the
22 events involving Mr. Sacco?

23 A Yes.

24 Q And on September 24, three days, four days after
25 you were admitted, you had a conversation with Lisa, is it

Shannon O'Connor - Cross

1710

1 Lisa Florance-Diaz?

2 A I only know her first name.

3 Q Miss Florance-Diaz.

4 A I know Miss Lisa. I don't know her last name.

5 Q And Miss Lisa, she was treating you?

6 A She was one of the people that was treating me,
7 yes.

8 Q Do you remember that on about September 24 of 2007,
9 in a conversation with Miss Lisa, you first claimed that Dean
10 hit Buddy?

11 A I do not remember the dates.

12 Q About the time that you went into Greater
13 Binghamton Health Center, was that the first time that you
14 ever claimed that Dean hit Buddy?

15 A I don't remember.

16 Q Within about three weeks after you went to the
17 Greater Binghamton Health Center, you were administered stat
18 meds, is that correct?

19 A Yes.

20 Q How were those stat meds administered to you?

21 A I was restrained and I was given a shot.

22 Q An injection?

23 A Yep.

24 Q With a needle very much like what you used to
25 inject yourself with Clorox?

Shannon O'Connor - Cross

1711

1 A I do not know because I was fighting people and I
2 was restrained.

3 Q And you were given Thorazine at that time?

4 A I have no idea. I was in a crisis. I don't
5 remember.

6 Q What did those medications do for you?

7 A After I was given the shot, I laid there and cried
8 and then I was quiet and I walked out and I -- it was around
9 nighttime, so I went to bed.

10 Q How often have you had stat meds?

11 A There's two different forms of stat meds. There's
12 one by mouth and one by injection. I had two injections and
13 I don't know about the mouth stat meds.

14 Q When you were at the Greater Binghamton Health
15 Center, there were other patients that you associated with
16 there?

17 A Yes.

18 Q Other teenagers?

19 A Yes.

20 Q Any children younger than you?

21 A There was an adolescent side and a children's side.

22 Q You had an observation -- I'm sorry. You had an
23 ability to observe how those people acted when you were
24 there?

25 A I saw them, yeah.

Shannon O'Connor - Cross

1712

1 Q Now, during this time, September/October/November
2 of 2007, were you still attending school?

3 A I was attending school at Greater Binghamton Health
4 Center.

5 Q Okay. How did that work?

6 A We would -- the adolescents would go to a one-room
7 classroom and we would be given work that was sent from our
8 school.

9 Q But you got grades from the Norwich middle school?

10 A Yes, because they had sent the work. You did it
11 and then the teacher sent it back so they could grade it.

12 Q Did you have conversations with people at the
13 Greater Binghamton Health Center about your grades?

14 A Yes.

15 Q Did you see report cards?

16 A Yes.

17 MISS PEEBLES: Excuse me, your Honor. May we
18 take a recess.

19 THE COURT: Yes, we can.

20 (Jury excused).

21 (Jury present).

22 THE COURT: Okay, Mr. Fischer.

23 MR. FISCHER: Thank you, your Honor.

24
25 BY MR. FISCHER:

Shannon O'Connor - Cross

1713

1 Q Miss O'Connor, were you a good student in school?

2 A Yes.

3 Q You got 90s and 100s?

4 A I tried to.

5 Q Did you succeed?

6 A In some classes I did, some classes I didn't.

7 Q During the time that you were at the Greater
8 Binghamton Health Center, did you continue to get good
9 grades?

10 A I, I tried to get the best grades I could.
11 According to me, I thought my grades were very good.

12 Q Say in November of 2007, you had a 90 in math?

13 A I don't remember.

14 Q Would it help you to look at your report cards to
15 refresh your recollection?

16 A Sure.

17 MR. FISCHER: May I approach, your Honor?

18 THE COURT: Please.

19 Q I'll show you Exhibit S-22. Have you looked
20 through all three pages of that document?

21 A No. Sorry.

22 Q Please do. Does that refresh your recollection
23 about what your grades were at that time?

24 A Yes.

25 Q Say, in October and November of 2007, were you

Shannon O'Connor - Cross

1714

1 getting 90s in math?

2 A I don't know where the dates are, but it says I
3 have a 95 in math.

4 Q Were you getting 90s in science class?

5 A A 94.

6 Q And generally were your grades in that range of
7 90s?

8 A Yes, except Spanish.

9 Q Spanish you got a 31 at one point?

10 A Yes, because I could not take Spanish then.

11 MR. FISCHER: Your Honor, I'll offer that
12 exhibit in evidence.

13 MR. LOVRIC: No objection.

14 THE COURT: Exhibit S-22.

15 MISS PEEBLES: No objection.

16 MR. LOVRIC: No objection.

17 THE COURT: All right. The Court will receive
18 Defendant's S-22 in evidence.

19 Q In early October of 2007, at the Greater Binghamton
20 Health Center there was an event that you described as an up
21 roar or a riot, do you remember that event?

22 A No.

23 Q Were you ever involved while you were at the
24 Greater Binghamton Health Center in something that you would
25 describe as a riot?

Shannon O'Connor - Cross

1715

1 A I was never in one but we had planned one and we
2 didn't do it.

3 Q What did you plan?

4 A That me and two other patients were going to flip
5 out all the same time so that we wouldn't get restrained.

6 Q So this was a plan that you made to like fake
7 flipping out?

8 A No.

9 Q You all planned to actually really flip out at the
10 same time?

11 A Yes, because we were very angry then.

12 Q And you scheduled this event to all occur at the
13 same time?

14 A Yes.

15 Q And it's your testimony to this jury that you
16 weren't planning to fake that?

17 A No.

18 Q Had you ever faked that?

19 A No.

20 Q Yesterday when you testified you talked about one
21 one. Do you know what that means?

22 A One to one.

23 Q What is one to one?

24 A When a staff has to be one arm's length apart from
25 you at all times.

Shannon O'Connor - Cross

1716

1 Q When you're on one to one you get constant
2 attention?

3 A Yes.

4 Q In fact, when you were at Greater Binghamton Health
5 Center you got a huge amount of attention, didn't you?

6 A Yeah, I was on one to one a lot, continuous.

7 Q You got attention from a lot of different people
8 who tried to help you?

9 A Yes.

10 Q It was October of 2007 when you were at the Greater
11 Binghamton Health Center that you first made disclosures
12 concerning cameras and pictures?

13 A I believe so, yes.

14 Q Who did you disclose that to first?

15 A I do not remember.

16 Q But at some point you spoke with Detective Blenis
17 about that subject?

18 A Yes.

19 Q And October of 2007 was that -- when you spoke with
20 Detective Blenis, was that the first time that you ever made
21 known to anybody that Mr. Sacco had used a camera?

22 A I don't remember if he was the first person I
23 exactly told.

24 Q At that time, after those disclosures, Detective
25 Blenis made arrangements to have a videotaped interview of

Shannon O'Connor - Cross

1717

1 you, correct?

2 A No. The way it went is when you went -- when I
3 went to go talk to him, where you sit they automatically
4 videotape you.

5 Q There were two times when you were videotaped by
6 Detective Blenis at that place, am I correct?

7 A Yes.

8 Q And it's your testimony that that is done
9 automatically?

10 A I believe so.

11 Q Do you remember speaking with Detective Blenis
12 about what Mr. Sacco did with respect to the camera and how
13 you were photographed?

14 A What do you exactly mean?

15 Q When you met with Detective Blenis in October of
16 2007, when your automatic videotaping was going on, where did
17 that occur, the automatic videotaping?

18 A One of the buildings on the hill.

19 Q And on that first occasion when you went to that
20 building, one of those buildings on the hill and were
21 videotaped, Detective Blenis sat there with you?

22 A I don't remember exactly if he sat with me or not.

23 Q Is your recollection about the events that occurred
24 when you were at the Greater Binghamton Health Center in,
25 let's say, October of 2007, are those recollections clear or

Shannon O'Connor - Cross

1718

1 are they a little fuzzy?

2 A What do you mean?

3 Q How clearly do you remember the events that
4 occurred in October of 2007?

5 A They're not crystal clear.

6 Q Would you say you have a good memory or a bad
7 memory?

8 A Under stress, I don't have as better memory as I do
9 when I'm not -- when I'm not stressed out.

10 Q When you're under stress do you have a bad memory?

11 A I do not have a bad memory. I do not have a sharp
12 of a memory.

13 Q When you're under stress, you do not have a sharp
14 memory?

15 A Yes.

16 Q Do you remember you went to that building on the
17 hill to be videotaped on two occasions in late 2007?

18 A Yes.

19 Q Do you remember that the first occasion was late
20 October of 2007?

21 A I don't know what month it was but --

22 Q Do you remember it was around Halloween?

23 A Yes.

24 Q The second occasion when you were videotaped was
25 about a month later?

Shannon O'Connor - Cross

1719

1 A I don't know exactly when.

2 Q On the first occasion, Detective Blenis sat and
3 talked to you and asked you questions?

4 A I believe so but I do not exactly remember.

5 Q Do you remember on the second occasion who sat with
6 you?

7 A Liz and some other lady.

8 Q Miss Oliver?

9 A I don't know her name.

10 Q On the first occasion around Halloween when you met
11 with Detective Blenis, do you remember Detective Blenis
12 asking you questions about how you were photographed?

13 A I believe so, yes.

14 Q Do you remember Detective Blenis asking you if Mr.
15 Sacco held the camera out like this and he gestured,
16 Detective Blenis, by holding his arm out?

17 A I don't remember that.

18 Q Do you remember at some point disclosing that
19 George Lang had taken pictures of you by holding his arm out?

20 A I do not remember.

21 Q Do you remember whether there was ever a tripod
22 used at 45 Fair Street to holdup a camera?

23 A Yes.

24 Q The first time that you ever disclosed anything
25 about the tripod was in late October of 2007?

Shannon O'Connor - Cross

1720

1 A I don't remember the dates.

2 Q Do you remember telling Detective Blenis that a
3 tripod was not used?

4 A No, I don't remember that.

5 Q Do you remember being asked these questions and
6 giving these answers on October 29 of 2007 to Detective
7 Blenis:

8 "QUESTION: Was there any other camera there at the
9 time he used?

10 "ANSWER: No, it was the only camera.

11 "QUESTION: Was there anything, what they call a
12 bipod or tripod, do you know what I mean?

13 "ANSWER: No.

14 "QUESTION: Like to put the camera still so it's
15 not shaking, do you know what I mean?

16 "ANSWER: Um --

17 "QUESTION: Was there anything that the camera set
18 on?

19 "ANSWER: Yes.

20 "QUESTION: Was the camera's --

21 "ANSWER: It had three legs.

22 Do you remember being asked those questions and
23 giving those answers at that time?

24 A I don't remember exactly but I guess I did answer
25 them.

Shannon O'Connor - Cross

1721

1 Q I'm sorry?

2 A I guess I did answer them.

3 Q Well, do you remember being asked those questions
4 by Detective Blenis at that time?

5 A I don't remember every question he asked, so I
6 don't exactly remember those.

7 Q Okay. Did you ever disclose anything to anybody
8 prior to that time about a tripod?

9 A I don't remember.

10 Q Do you remember Detective Blenis on that
11 October 29, 2007 videotaped interview discussing with you a
12 bag that Mr. Sacco kept a camera in?

13 A I do not remember that.

14 Q Yesterday, when you were here, you identified for
15 Mr. Lovric a camera that he pulled from a bag, do you
16 remember that?

17 A Yes.

18 Q You saw the bag that was here?

19 A I didn't take a look at it. Like I saw it out of
20 the corner of my eye.

21 Q I'll show you what's marked for identification in
22 evidence as Government's 36, do you see that?

23 A Yes.

24 Q Can you describe this bag, Exhibit 36?

25 A It's black, has a red stripe, has a handle and a

Shannon O'Connor - Cross

1722

1 strap.

2 Q Do you remember on October 29, 2007 at the
3 videotaped interview with Detective Blenis telling Detective
4 Blenis that the bag that Mr. Sacco kept his camera in was a
5 bag that he used to take to the YMCA that was brownish?

6 A I don't remember that.

7 Q Do you remember that you told Detective Blenis that
8 the bag that Mr. Sacco had the camera in had a flap over it?

9 A I don't remember that.

10 Q Do you remember detective -- telling Detective
11 Blenis in October of 2007 that the bag that Mr. Sacco kept
12 his camera in, he would put towels and stuff in it?

13 A I don't remember.

14 MISS PEEBLES: Your Honor, we're having a hard
15 time hearing the response from the witness.

16 THE COURT: All right. Try to keep your voice
17 up if you could. Talk into the mic a little bit, okay.

18 THE WITNESS: Okay. Yep.

19 BY MR. FISCHER:

20 Q When you spoke with Detective Blenis in October of
21 2007, you mentioned Mr. Sacco and cameras, correct?

22 A Can you repeat the date.

23 Q The first videotaped interview in October of 2007.

24 A I don't remember everything so I don't remember
25 exactly what I said.

1 Q Do you remember that in that first videotaped
2 interview you did not mention anything having to do with your
3 mother taking pictures?

4 A I do not remember.

5 Q Do you remember anything about being videotaped at
6 the building on the hill and discussing anything about your
7 mother?

8 A I don't remember.

9 Q Do you remember being videotaped that second time?

10 A Yes.

11 Q But you have no recollection about what you
12 discussed at that time, am I correct?

13 A You're correct.

14 Q This is in December of 2007?

15 A I don't know what month it was.

16 Q About how long ago from today going backward in
17 months was it that you were videotaped?

18 A I do not remember.

19 Q Do you remember during those videotapes discussing
20 the Best Western?

21 A I -- I'm trying to say that I don't remember
22 exactly what I said.

23 Q Do you remember discussing the Best Western on
24 those videotapes?

25 A I believe I did but I'm not hundred percent sure.

Shannon O'Connor - Cross

1724

1 Q You may not have discussed the Best Western?

2 A I do not remember one hundred percent.

3 Q You still see Miss Chesebro on a regular basis?

4 A I haven't seen her since she testified.

5 Q Did you see her earlier this month on about May 3
6 of this month?

7 A I don't know the exact date but I know that I seen
8 her sometime this month.

9 Q Do you remember seeing her about two days before
10 this trial started?

11 A I don't exactly remember. I know she came up to
12 see me during this month but I don't remember when.

13 Q You had some conversations with Miss Chesebro
14 concerning religion earlier this month?

15 A Yes.

16 Q You discussed with Miss Chesebro your devil
17 worship?

18 A I told her about it but I was telling her why I had
19 gotten in trouble.

20 Q You had gotten in trouble because you were devil
21 worshipping?

22 A No. What had happened was I was with two other
23 clients and we were all hanging out, listening to certain
24 types of music and I said that I didn't believe in God and
25 then they said they didn't either and one of them mentioned

Shannon O'Connor - Cross

1725

1 that the devil, you can worship the devil and we're like all
2 right, let's do that and that and the next day we were
3 confronted about it and we separated from that and we have
4 not done that.

5 Q I didn't hear --

6 A And we have not done that.

7 Q -- the last part of what you said. Do you remember
8 telling Miss Chesebro that you were ashamed you went against
9 your own religion and that you were worshiping the devil?

10 A Yes.

11 Q Was that true when you told that to her?

12 A Yes.

13 MR. FISCHER: Those are all the questions I
14 have right now. Thank you, Judge.

15 THE COURT: All right. Miss Peebles.

16 CROSS-EXAMINATION

17 BY MISS PEEBLES:

18 Q Shannon, now you just got done talking with
19 Mr. Fischer about worshiping the devil. Do you remember him
20 asking you those questions?

21 A Yes.

22 Q All right. When you came into Court yesterday, you
23 swore to tell the truth so help you God, you understand that,
24 right?

25 A Yes.

Shannon O'Connor - Cross

1726

1 Q So if you're worshipping the devil then your oath in
2 this courtroom is worthless, is that fair to say?

3 MR. LOVRIC: Objection.

4 THE COURT: Sustained.

5 Q Do you understand the importance of telling the
6 truth in this courtroom?

7 A Yes.

8 Q And you did that so help you God, correct?

9 A Yes, because I believe in God.

10 Q Now, you had stated yesterday that you took your
11 mother's medication on August 11, do you remember testifying
12 about that?

13 A I remember saying that I took it but I do not
14 remember the exact date.

15 Q Well, August 11 is when you went to the hospital
16 from the YMCA, correct?

17 A I don't remember the date.

18 Q Well, would something refresh your recollection if
19 I showed you a document?

20 A Yes.

21 Q All right. I'm going to hand you what's been
22 marked and has been admitted into evidence as Defendant's
23 Exhibit -- which has not been admitted into evidence. But
24 I'm going to hand you what's been marked as O-17 and ask you
25 to take a look at that document.

Shannon O'Connor - Cross

1727

1 A Where's the date?

2 Q Why don't you look in the top right-hand corner.

3 A It says 5/05/2008.

4 Q That's the fax. The top corner right there.

5 A Sorry.

6 Q Where my thumb is.

7 A It does say the 11th of September.

8 Q So does that refresh your recollection as to when
9 you were at the hospital, Chenango Memorial Hospital from the
10 YMCA?

11 A Yes.

12 Q So that was about less than two weeks after you
13 first moved to Norwich, correct?

14 A Yes.

15 Q Now, you stated yesterday and you also testified
16 today that you had injected yourself with your mother's
17 insulin, that's your testimony, correct?

18 A Yes.

19 Q Now, would it still be your testimony if the lab
20 results came back and said your glucose levels were the same
21 and all of your blood ranges were normal, would that still be
22 your testimony?

23 MR. LOVRIC: Objection.

24 THE COURT: Sustained. She's not a doctor.

25 THE WITNESS: What?

Shannon O'Connor - Cross

1728

1 THE COURT: I sustained the objection. She'll
2 have to ask you another question.

3 Q If someone from Chenango County Memorial Hospital
4 comes and testifies about your blood levels, would that
5 change your testimony?

6 MR. LOVRIC: Objection.

7 THE COURT: Sustained.

8 Q When you were taken to the hospital on August 11th,
9 you were taken there by your YMCA camp counselors, is that
10 correct?

11 A I was taken by the ambulance.

12 Q Did Lance Thorn drive along with you in the
13 ambulance?

14 A I do not remember.

15 Q You don't specifically recall asking for Lance
16 Thorn to ride with you in the hospital -- in the ambulance to
17 the hospital?

18 A I don't remember. That was like a while ago.

19 Q Well, that was a pretty significant time in your
20 life, was it not? You indicated you took your mom's
21 medication, you wouldn't remember that?

22 A Yes, I would.

23 Q But you don't remember who road with you along in
24 the hospital to the ambulance?

25 A No.

Shannon O'Connor - Cross

1729

1 Q In fact, didn't all the YMCA camp counselors show
2 up at the hospital? Remember Jenny?

3 A Yes, I do.

4 Q She was at the hospital?

5 A I do not remember who was exactly there.

6 Q Do you remember whether Rhett was at the hospital?

7 A I do not remember who was exactly there.

8 Q Well, you've got a lot of attention when you went
9 to the hospital that day, is that fair to say?

10 A Yes.

11 Q And they sent you directly to a psychiatric
12 hospital from Chenango County Memorial Hospital, you remember
13 that, right?

14 A No. That did not happen.

15 Q You have no recollection of going to Syracuse to be
16 observed for five days?

17 A I went to Syracuse in a regular hospital.

18 Q So, it's your testimony to this jury that you were
19 not there for any kind of psychiatric observation, is that
20 your testimony?

21 A They said that I was going to a normal hospital.

22 Q Well, when they took you to that hospital you went
23 the same day, correct?

24 A Correct.

25 Q And you were not given any kind of medication from

Shannon O'Connor - Cross

1730

1 anybody at the hospital, is that correct?

2 A I do not remember.

3 Q And, in fact, what you told Naomi when she showed
4 up at the hospital was that your mom was beating you, do you
5 remember telling her that?

6 A I said she was hitting me, not beating me.

7 Q You said she was verbally and physically abusive
8 towards you, that's what you said to Naomi that day, do you
9 remember that?

10 A Yes, I do.

11 Q And you were upset with your mother that day
12 because of your puppy, is that fair to say?

13 A Yes.

14 Q Now, you didn't get sick at all when you were in
15 the hospital at Chenango memorial on August 11, that's
16 correct?

17 A Not that day but I did get sick when I was in the
18 hospital.

19 Q You weren't sick at all on August 11, is that fair
20 to say?

21 A If you want to say I didn't throw up but I was
22 still sick.

23 Q Now, isn't it true that you had a crush on Lance
24 Thorn, your camp counselor, at the YMCA?

25 A No.

Shannon O'Connor - Cross

1731

1 Q That's not true?

2 A No.

3 Q So if somebody says that, they're wrong?

4 MR. LOVRIC: Objection.

5 THE COURT: What's the matter? I didn't hear
6 him object. Mr. Lovric, if you're going to object, you've
7 got to be a little vociferous. Sustained.

8 MR. LOVRIC: I'm sorry, Judge. I'll be
9 louder.

10 BY MISS PEEBLES:

11 Q Now, I know you're saying you don't remember a lot
12 about what happened on December 5 when you were interviewed,
13 when you were videotaped, I want to talk about that. If you
14 don't recall, we have the video and we'll play it for you, do
15 you understand?

16 A I understand.

17 Q All right. Now, let's talk about what you
18 initially told Elizabeth Chesebro when you were videotaped on
19 December 5, along with Denise Oliver. They asked you
20 specifically about when was the first time your mom sexually
21 abused you. Do you remember being asked that question?

22 A Yes.

23 Q And do you recall telling them it's when we lived
24 at 11 River Street and I was 11 or 12 years old, do you
25 remember that?

Shannon O'Connor - Cross

1732

1 A No.

2 MISS PEEBLES: Well, we're going to play the
3 tape for you.

4 THE WITNESS: I cannot hear.

5 MISS PEEBLES: We're going to put the volume
6 up.

7 (Playing Exhibit 89)

8 Q Now, does that help you refresh your recollection
9 about what you told Denise Oliver and Elizabeth Chesebro on
10 that day when were you videotaped?

11 A Yes.

12 Q You told them it happened at 11 River Street when
13 you were 11 or 12?

14 A Yes. That's where I did say.

15 Q Now, you also, during that same interview, you told
16 that you were 11 and a half or 12 and George Lang started to
17 sexually touch you. Do you recall telling them that during
18 that interview, do you remember that?

19 A I don't remember everything but I do not want to
20 watch the tape again.

21 Q Well, I'm going to play the tape just so that you
22 can refresh your recollection about what you said during that
23 time because you apparently don't remember. So, I think it's
24 important that we play the tape to refresh your recollection.

25 (Playing Government Exhibit 89)

Shannon O'Connor - Cross

1733

1 Q Okay. Shannon, does that help you refresh your
2 recollection about what you told them on December 5 with
3 regard to Mr. Lang?

4 A Yes.

5 Q All right. You told them that it happened right
6 around December 1, right before your birthday, so that would
7 be right before you turn 12 or, in other words, December of
8 2005, is that correct?

9 A That's what I said.

10 Q Now, you knew at that time that Mr. Lang had been
11 diagnosed with cancer, you knew that, right?

12 A Yes.

13 Q In fact, he was diagnosed with cancer sometime in
14 2004, you knew that, right?

15 A I did not know which year.

16 Q Well, had he been undergoing chemotherapy and
17 radiation treatments up until December of 2005, do you
18 remember that?

19 A I remember him going but I don't remember the dates
20 or the months.

21 Q Do you know that in February of 2006 the cancer had
22 spread to his brain, you knew that, right?

23 A I was told.

24 Q In fact, it was less than six months later that
25 Mr. Lang passed away as a result of his cancer in July of

Shannon O'Connor - Cross

1734

1 2006, correct?

2 A Yes.

3 Q So, Mr. Lang was a very sick man in 2005, is that
4 fair to say?

5 A Yes.

6 Q Now, I want to talk about the Lang house. That was
7 a single-wide trailer, correct?

8 A What's a single wide?

9 Q Well, it's about from here to the wall width wise
10 and from about hear to that wall length wise, is that about
11 right?

12 A I guess so. I don't know how big it was.

13 Q But you knew it was a trailer, correct?

14 A Yes.

15 Q Now, you were talking about your -- this claim that
16 you were having sexual contact with Mr. Lang in and about
17 December of 2005, and it's during that time period where you
18 said he was taking pictures of you, do you remember?

19 MR. LOVRIC: Objection.

20 THE COURT: You can ask him what time
21 period -- you can ask her what time period she believes
22 Mr. Lang was taking photographs.

23 Q When you talked to the interviewer, Denise Oliver,
24 and you spoke with Elizabeth Chesebro and you were videotaped
25 on December 5, you told them that Mr. Lang had taken pictures

Shannon O'Connor - Cross

1735

1 of you in December of 2005 in sexually explicit conduct. Do
2 you remember that?

3 MR. LOVRIC: Objection. I don't think it's
4 accurate.

5 THE COURT: What's that?

6 MR. LOVRIC: I don't believe it's accurate. I
7 object to the time frame.

8 THE COURT: Let's go to side-bar. We'll find
9 out the time frame.

10 (At the Bench).

11 MISS PEEBLES: He started taking pictures and
12 stuff. It's right in there.

13 MR. LOVRIC: I don't believe she says what
14 year it is.

15 MISS PEEBLES: And putting them on the
16 computer.

17 THE COURT: Start here and read over to the
18 next page. I think what she says to me looks correct.

19 MR. LOVRIC: It doesn't say the year, Judge.

20 THE COURT: Well, if you read the whole
21 sequence, doesn't that make it seem that the answers
22 referring to that time are right after the first of December.

23 MR. LOVRIC: It's around Christmas I agree
24 with that, yeah, but she's saying Christmas of 2005. She
25 said Christmas of 2000. I object to the question which is do

Shannon O'Connor - Cross

1736

1 you remember telling whoever, whoever, that Christmas of
2 2005 -- she didn't say that. She said Christmas time.

3 MISS PEEBLES: She turned 12, so she's, 2005,
4 she would have been 12, going on 12.

5 MR. LOVRIC: I'm not going to explain. I'm
6 just saying it's not accurate.

7 MISS PEEBLES: She just admitted she's going
8 to be 12 in 2005 in December on the stand. She got a 90 in
9 math.

10 MR. LOVRIC: That's wonderful.

11 THE COURT: I think that's right.

12 (In open Court).

13 BY MISS PEEBLES:

14 Q Shannon, I'm going to restate the question for you
15 so you remember what I just asked. Do you remember telling
16 Denise Oliver and Liz Chesebro that Mr. Lang was
17 photographing you in sexually explicit conduct in December of
18 2005. Do you remember telling them that during that
19 interview?

20 A I believe I did say that.

21 Q You believe you did say that, is that your
22 testimony?

23 A That's what I said.

24 Q Now, you also told them that Mr. Lang had a digital
25 camera, do you remember telling them that?

Shannon O'Connor - Cross

1737

1 A Yes.

2 Q And you said that the camera was hooked up to the
3 computer after he had taken photographs of you, do you
4 remember telling them that?

5 A Yes.

6 Q In fact, that was your testimony the other day when
7 Mr. Lovric was asking you what kind of camera was used for
8 these pictures that were taken that you said, right?

9 A Yes.

10 Q Now, at the time you were talking to Elizabeth
11 Chesebro and Denise Oliver about pictures on Mr. Lang's
12 computer, you knew Mr. Lang had passed away, right,
13 obviously?

14 A Yes.

15 Q All right. And you knew that Renee Lang wasn't
16 good with computers, correct?

17 A Yes.

18 Q In fact, what you told them is there's a password
19 but nobody knows it and Mrs. Lang is stupid or dumb and
20 doesn't know anything about computers, do you remember saying
21 that?

22 A I -- no, I do not remember saying stupid or dumb.

23 Q Do you recall saying she wouldn't know how to get
24 into his hard drive, his computer, do you remember that?

25 A Yes.

Shannon O'Connor - Cross

1738

1 Q All right. Were you told that Mr. Lang's hard
2 drive had been sent to a forensic lab after these claims that
3 you made?

4 MR. LOVRIC: Objection.

5 THE COURT: Sustained.

6 Q When you were making these statements to Liz
7 Chesebro and Mrs. Oliver, at that point you didn't think
8 anyone could access that hard drive, is that fair to say?

9 A I didn't know.

10 Q So your testimony yesterday, as I understand it on
11 direct examination when Mr. Lovric was asking you questions,
12 you told this jury that your mom had sexually touched you
13 when you lived at 45 or 44 Pine Street, that's what you said
14 on your direct examination yesterday?

15 A Yes.

16 Q But that's not at all what you said when you were
17 interviewed on December 5, is that fair?

18 A That's fair.

19 Q In fact, what was said on December 5 is just out of
20 the blue one day at 11 River Street your mom just walked into
21 the bathroom when you were 12 and started sexually touching
22 you, that's what you said on December 5, correct?

23 A Yes.

24 Q Now you talked to Mr. Lovric on many occasions
25 about your claims, is that a fair statement?

Shannon O'Connor - Cross

1739

1 A Yes.

2 Q And was it ever talked about that Mr. Lang was very
3 sick during the time period that you talked about on
4 December 5 of 2006 when you were interviewed or videotaped,
5 was that ever brought up during your preparation?

6 A I don't exactly remember. I'm sure I said that he
7 was sick.

8 Q Did Mr. Lovric talk to you about the fact that
9 Mr. Lang was very sick, do you remember?

10 A I don't remember.

11 Q Is it possible that he talked to you about Mr. Lang
12 being sick?

13 MR. LOVRIC: Objection.

14 Q Now, you said you moved out of the address at 45
15 Pine Street when you lived in Deposit, that your mom
16 bought -- rented another home at 11 River Street after that,
17 do you remember testifying about that?

18 A You have the address wrong.

19 Q Forty-four?

20 A Yes.

21 Q Forty-four. But you know what I'm talking about,
22 you know what house I'm talking about?

23 A Yes.

24 Q So, you lived up on the second floor that was your
25 testimony, you lived up some stairs?

Shannon O'Connor - Cross

1740

1 A At 44 Pine Street, yes.

2 Q Yes. And it was your problem of walking up to the
3 second floor carrying groceries, is that correct?

4 A What do you mean my problem?

5 Q Well you didn't like it.

6 A Neither did my mom.

7 Q But you told your mom you wanted to move because
8 you didn't like climbing up the stairs, is that fair?

9 A Yeah, and she didn't like climbing up the stairs
10 either.

11 Q But because you didn't want to live there anymore
12 your mom went and found another house, is that fair?

13 A It's not fair to say that she only moved just
14 because I said so.

15 Q Well, let's talk about the puppies that she was
16 buying you. Now you knew she had gotten money from FEMA, a
17 lot of money after the flood, you knew that right?

18 A I knew she had gotten money but I didn't know if it
19 was exactly from FEMA. I knew it was because our house was
20 damaged.

21 Q You knew she had gotten a lot of money after the
22 flood?

23 A Yes.

24 Q You asked your mom -- you talked to your mom, you
25 begged her to buy you a puppy, is that fair?

Shannon O'Connor - Cross

1741

1 A I didn't beg her, I asked her because I've been
2 asking for a dog since we were living in 11 River Street.

3 Q And your mom finally had some money so she went out
4 and she bought you a puppy, right?

5 A Yeah.

6 Q In fact, after she bought the puppy, when you moved
7 to Norwich your relationship with your mom turned kind of
8 ugly, is that fair to say?

9 A Yeah.

10 Q There were a lot of problems with the dog and
11 taking the dog outside and potty training, is that a fair
12 statement?

13 A Yes.

14 Q Now you met some friends when you first moved to
15 Norwich. You met some friends when you went to school, is
16 that correct?

17 A When I first moved to Norwich, it was summer.

18 Q Well you met some friends at the YMCA camp?

19 A Yes.

20 Q And you met some friends once you started school in
21 Norwich after you got back from Renee Lang's house?

22 A Yes.

23 Q In fact, one of your good friend's name is Deanna
24 Kerwin, you remember her, right?

25 A Yes.

Shannon O'Connor - Cross

1742

1 Q She's a good friend of yours, right?

2 A She was.

3 Q You haven't seen Deanna in a long time, is that
4 fair?

5 A Yes.

6 Q When's the last time you talked to Deanna Kerwin?

7 A When I talked to her in person was that Sunday
8 before I went to Greater Binghamton Health Center. She had
9 spent the night.

10 Q At the Hamiltons with you?

11 A Yes.

12 Q Now, isn't it true that Deanna Kerwin was the first
13 person that you told about your relationship with Dean Sacco?

14 A I do not know.

15 Q You never told Deanna Kerwin about your
16 relationship with Mr. Sacco?

17 A I do not remember.

18 Q Is it possible that you talked to Deanna Kerwin
19 about your relationship with Dean Sacco?

20 MR. LOVRIC: Objection.

21 THE COURT: Sustained.

22 Q Is it your testimony that you have no recollection
23 about whether or not you told one of your best friends about
24 Mr. Sacco?

25 A I'm not sure if I told her. They found out because

Shannon O'Connor - Cross

1743

1 of the radio, but I'm not sure that I told them.

2 Q Didn't you and Deanna Kerwin go into the shed at 45
3 Fair Street and go through the pornographic magazines that
4 were in the trunk, didn't the two of you do that?

5 A No.

6 Q You never did that with Deanna Kerwin?

7 A No.

8 Q You never told her that you better not tell my mom
9 we're looking at these, you never said anything like that?

10 A No.

11 Q So, you never told Deanna Kerwin or Brooke Parmalee
12 about your relationship with Mr. Sacco?

13 A I do not remember.

14 Q Rhett Jenung, he was a camp counselor, his name was
15 brought up a few times. You remember Rhett?

16 A Yes.

17 Q You were really close to Rhett?

18 A Not really close?

19 Q Well, you talked to him a lot about Mr. Sacco,
20 didn't you?

21 A Not a lot. I talked to him when I was upset.

22 Q Well, didn't you tell Mr. Jenung all about -- all
23 about your relationship with Mr. Sacco?

24 A I believe I spoke to him.

25 Q You spoke to him in March when you were at the

Shannon O'Connor - Cross

1744

1 Hamiltons, do you remember that?

2 A In March?

3 Q 2007, in March, did you talk to Mr. Jenung?

4 A I think I did, yes, at one of the Y dances.

5 Q You did and you told him all about what happened
6 between you and Mr. Sacco, do you remember that?

7 A I remember bits and pieces.

8 Q Well, what bits and pieces do you remember?

9 A That I talked to him. I don't remember exactly
10 what I said, but I remember talking to him.

11 Q Did you talk to him about having a sexual
12 relationship with Mr. Sacco?

13 A I don't remember what I said.

14 Q Did you talk to Mr. Jenung after the Y dance at
15 some point later on in the summer?

16 A Yes, I did talk to him in the summer.

17 Q Did you talk to him again about your relationship
18 with Mr. Sacco?

19 A Yes, I did then.

20 Q Did you recall what the nature of the conversation
21 was?

22 A Yes, because I was upset and at the time I was
23 going to Y camp. I was also starting my drum -- chair
24 nomative or something.

25 Q Trauma narrative?

Shannon O'Connor - Cross

1745

1 A Yes.

2 Q So you were speaking to Mr. Jenung about that and
3 you were talking to him about your relationship with Mr.
4 Sacco, is that fair?

5 A Yes, because I was angry.

6 Q And, in fact, you confided in him a lot, is that a
7 fair statement?

8 A Yes.

9 Q In fact, at some point there was a concern about
10 your relationship with Mr. Jenung between your case worker
11 and your counselor, is that a fair statement?

12 A No.

13 Q There was never any conversation between you and
14 Miss Chesebro about your relationship with Mr. Jenung?

15 A I talked to her about him being a counselor.

16 Q But there was never a concern about any kind of
17 inappropriate behavior with Mr. Jenung?

18 A No.

19 Q When you spoke to Mr. Jenung by -- in person, you
20 just testified about that, right?

21 A Yes.

22 Q And you also spoke to him via through e-mail, do
23 you remember that?

24 A Yes.

25 Q And many times, is that fair to say?

Shannon O'Connor - Cross

1746

1 A Sometimes when I went on My Space, yes.

2 Q In fact, did you a lot of communicating through My
3 Space, is that a fair statement?

4 A Yes.

5 Q And you had your own My Space account?

6 A Yes.

7 Q And you put on there that you were 17 years old, is
8 that -- do you remember that?

9 A I believe I put I was 16.

10 Q I'm going to show you what's been entered into
11 evidence as Defense Exhibit O-21, if I can figure out how to
12 work this. Does this look familiar to you, Defendant's
13 Exhibit O-21?

14 A Yes.

15 Q Is that your My Space page?

16 A Yes.

17 Q And is that a picture of you on the front?

18 A Yes.

19 Q And does it say that you're a female who's 17 years
20 old in Norwich, New York?

21 A It does say that.

22 Q In fact, you have to be at least 17 in order to get
23 on to these adult My Space accounts, is that fair?

24 A They -- I don't know the exact survey but my
25 friends said that they were like 14 and stuff.

Shannon O'Connor - Cross

1747

1 Q But if you're 14, you can't get into adult My Space
2 accounts, is that your understanding?

3 A I don't understand what you're trying to say.

4 Q Well, if you're less than 17 years old you wouldn't
5 be able to log into somebody else's My Space account unless
6 you were an adult and if they were an adult, is that a fair
7 statement?

8 A No.

9 Q So you just put, for the heck of it, that you were
10 17 years old on your My Space page?

11 A You're not supposed to put your real information
12 and also if you state you're younger, then people look down
13 on you, so if you're older people don't mess with you.

14 Q Well, you had access to Mrs. Chesebro's My Space
15 account, correct?

16 A We were friends.

17 Q Correct. And you have her as one of your top
18 friends on your My Space page, is that correct?

19 A I did, yes.

20 Q Now, Mrs. Chesebro had a lot of personal
21 information that was accurate on her My Space page, didn't
22 she?

23 A I don't exactly remember. I haven't been on My
24 Space in a long time.

25 Q Well, if I showed you her My Space information,

Shannon O'Connor - Cross

1748

1 would that help refresh your recollection?

2 A I don't know.

3 Q In fact, not only did you access Mrs. Chesebro's My
4 Space account, you were also accessing other case workers'
5 accounts, is that fair?

6 A Yes.

7 Q And one of those case workers was Theresa Jones?

8 A Yes.

9 Q And you saw a lot of her My Space information on
10 her My Space, is that fair?

11 A I didn't really go on her My Space.

12 Q Well, you communicated with her through your My
13 Space account, correct?

14 A I think once.

15 Q It's your testimony that you only communicated with
16 Theresa Jones one time?

17 A I said I think once.

18 Q Well, could it have been more than once?

19 A It could have been.

20 Q Could it have been 15 to 20 times maybe?

21 A I do not remember.

22 Q And Theresa Jones had all of her information and
23 that was accurate on her My Space account, wasn't it?

24 A I don't know.

25 Q I'm going to hand you what's been marked as Defense

Shannon O'Connor - Cross

1749

1 Exhibit O-36 and ask if you can identify those documents?

2 A You want me to look at the top page?

3 Q Yes.

4 A Yeah.

5 Q Have you seen that document before?

6 A I think when I first asked her to be my friend.

7 Q That's Theresa Jones?

8 A Yes.

9 MISS PEEBLES: Your Honor, I'd like to offer
10 into evidence Defense Exhibit O-36.

11 MR. FISCHER: No objection.

12 MR. LOVRIC: I've never seen the documents so
13 I don't know what they are.

14 THE COURT: Show it to Mr. Lovric, please.
15 This is good time to break for lunch, ladies and gentlemen.
16 We'll see you back at 1:30.

17 (Lunch break taken)

18 (Jury present).

19 THE COURT: Okay, Miss Peebles.

20 MISS PEEBLES: Your Honor, I think the
21 government had an objection to my last exhibit.

22 THE COURT: Okay.

23 MR. LOVRIC: Yes, Judge.

24 THE COURT: You want to state that.

25 MR. LOVRIC: There's a couple reasons I might

Shannon O'Connor - Cross

1750

1 want to do it at side-bar, Judge.

2 THE COURT: Okay.

3 (At the Bench).

4 THE COURT: Yes, sir.

5 MR. LOVRIC: I didn't want to say it in front
6 of the jury, Judge, I didn't think it was appropriate.
7 There's a couple of objections I have. I believe the exhibit
8 is a stack of My Space dot com printed pages. I believe
9 they're all dated April 28 of 2008 and from what I can tell,
10 it appears to be the My Space account of Theresa Jones
11 person. Several objections I have, Judge. One, the My Space
12 account that these documents appear to be of is not Shannon
13 O'Connor. It's this other individual. Secondly, they're
14 dated April of this year which is not anything -- has nothing
15 to do with the time frame that this witness had contact with
16 this Theresa Jones, so these are documents that are now most
17 currently or at least as of April 28 on this web My Space
18 account. Like every My Space account, what's there today
19 doesn't mean was there yesterday, doesn't mean it was there a
20 month ago or doesn't mean it will be two months from now. It
21 gets outdated or deleted depending on what people add or
22 delete. Furthermore, there's no indication that this witness
23 ever saw these materials especially since they're April 28 of
24 2008. She was communicating with Miss Jones back in 2007 and
25 the relevancy escapes me as to how it's relevant as to

Shannon O'Connor - Cross

1751

1 anything, given the fact that it's not a time frame when this
2 witness was communicating with Miss Jones and there's no
3 indication that she has seen it and then finally, Judge, you
4 know, I try not to be a winier, that's a legal term I use,
5 but --

6 MISS PEEBLES: I hadn't noticed.

7 MR. LOVRIC: I try not to but I ask in
8 reciprocal discovery for things that are going to introduced
9 into evidence and the other day when her, Shannon's, My Space
10 account went in I didn't really object to that. I thought
11 maybe it's just an oversight. I usually don't object to
12 those kind of things, but I did ask for this and I never
13 received any notice.

14 MISS PEEBLES: It was no oversight, it's not
15 my case in chief. I gave you everything I had I'm going to
16 introduce in my case in chief. You're not entitled to the
17 material that I just cross-examine the witness. By the way,
18 I printed it on April 28, items contained during My Space
19 account are all relevant during the time period when she was
20 living at the Hamiltons.

21 THE COURT: You're saying this stuff wasn't
22 created on April 28?

23 MISS PEEBLES: I printed it.

24 THE COURT: Is there a way of --

25 MISS PEEBLES: A lot of it has dates on when

Shannon O'Connor - Cross

1752

1 it came through. I can make sure everything that was shown
2 to her was actually during the time period she was at the
3 Hamiltons. I've weeded out the stuff that would have been
4 after she went to the Greater Binghamton Health Center.

5 THE COURT: What this purports to be are
6 things that this witness told Theresa Jones?

7 MISS PEEBLES: It was -- no. I mean, Judge,
8 it's not critical to the case so if the Court doesn't want me
9 to get it in, I could call Theresa Jones if I have to. I've
10 subpoenaed her myself but I don't really need it and it's
11 part of my case, of course.

12 MR. LOVRIC: How's it relevant?

13 MISS PEEBLES: It has to do with her
14 relationship and communications with the individuals that
15 were helping her through the Department of Social Services
16 during the relevant time period that she was residing with
17 the Hamiltons and viewpoint they were her friend rather than
18 case workers and that was the reason why and --

19 THE COURT: In other words, why they talking
20 back and forth about things that would be outside the realm
21 of what a case worker and a client usually discuss?

22 MISS PEEBLES: Yes. That's kind of -- that
23 was the basis but it's not necessarily what happens in a My
24 Space account which I just learned is that when you access
25 it, you can see everything that everybody is sending them so

Shannon O'Connor - Cross

1753

1 you could read notes from, you know, whoever is sending them
2 notes and everything about their personal life right on their
3 My Space page. So there's porno cartoons, adult content in
4 it.

5 THE COURT: I didn't know that but I guess
6 maybe I got an inclining of that the other day. Does the --
7 are the conversations, do they have anything to do with
8 either your client or Kelly's client?

9 MISS PEEBLES: No.

10 THE COURT: And are they about things that --
11 could you maybe just ask her if she thought of this lady as a
12 friend, to correspond with a friend?

13 MISS PEEBLES: Yeah. I think she said that.

14 THE COURT: Did she say that?

15 MISS PEEBLES: Yeah.

16 THE COURT: So probably under 403 maybe we
17 could exclude it.

18 MISS PEEBLES: If that's the Court's ruling.

19 THE COURT: I think it might be cumulative.

20 MR. FISCHER: Although I suggest, you know,
21 that the idea of what this witness explored on that page,
22 even if you don't introduce the documents themselves, might
23 be relevant what this witness explored through her case
24 workers' page and what she was exposed to.

25 THE COURT: How do we know? What I'm hearing

Shannon O'Connor - Cross

1754

1 if I got, however you access the account and I went out
2 there, and there's tons of stuff or stuff that Theresa Jones
3 didn't put in, but people sent her and some of them might be
4 pornographic and maybe dirty jokes and all that kind of crap
5 they send everybody through the e-mails that we get from
6 other people, how do you know, would you have to ask her,
7 well, did you read this?

8 MISS PEEBLES: Yes, you'd have to ask her
9 specifically whether she saw it.

10 MR. EGAN: Of course she wouldn't remember so
11 there's not much point, you know.

12 THE COURT: That's today, different yesterday.

13 MR. LOVRIC: Yeah, but that's the key.

14 THE COURT: I think it's cumulative.

15 MR. EGAN: Okay.

16 (In open Court).

17 BY MISS PEEBLES:

18 Q Shannon, I'm going to ask you some questions about
19 the Best Western and I'm going to specifically talk about the
20 information that you were telling Denise Oliver and Elizabeth
21 Chesebro on December 5. Now, you indicated you didn't
22 remember so I'm going to play portions of the video that
23 reference what you told them about the Best Western. Do you
24 understand?

25 A Yes.

Shannon O'Connor - Cross

1755

1 MISS PEEBLES: Judge, perhaps I can provide
2 transcripts to the jurors that they used previously.

3 THE COURT: Yeah. That might be helpful so we
4 don't have to strain to hear it. We're referencing page 11
5 three-quarters of the way down.

6 (Playing Government Exhibit 89)

7 MISS PEEBLES: Now I'm going to move to page
8 13.

9 (Playing Government Exhibit 89).

10 MISS PEEBLES: Now, page 15 at the bottom.

11 (playing Government Exhibit 89).

12 Q All right. Now, Shannon, yesterday when you were
13 testifying on direct examination -- well, strike that. Now,
14 you know that the room receipts were obtained from the Best
15 Western hotel?

16 MR. LOVRIC: Objection.

17 MISS PEEBLES: What she knows, Judge.

18 THE COURT: What's wrong with that?

19 MR. LOVRIC: I don't think she testified about
20 any hotel receipts being retained.

21 THE COURT: I think the attorney can inquire
22 what she knows about that. Overruled.

23 Q You may answer.

24 A Can you repeat that, please.

25 Q Yes. Were you aware that the hotel receipts were

Shannon O'Connor - Cross

1756

1 obtained from the Best Western hotel?

2 A No.

3 Q Were you told that there was no record of your
4 mother taking you to the Best Western more than one time
5 after you moved to Norwich, were you aware of that?

6 MR. LOVRIC: Objection.

7 THE COURT: Basis?

8 MR. LOVRIC: It's hearsay, Judge.

9 THE COURT: Yeah, probably is.

10 MISS PEEBLES: I'm asking for the state of
11 mind, Judge. They're already in evidence. It's what she
12 knew.

13 THE COURT: Well, for that purpose.

14 BY MISS PEEBLES:

15 Q You can answer.

16 A Can you please repeat it.

17 Q The records that were obtained from the Best
18 Western show that you and your mom traveled to the Best
19 Western on only one occasion after you moved to Norwich, did
20 you know that?

21 A I don't know.

22 Q There were other times that you went to the Best
23 Western when you lived in Deposit, you remember that?

24 A Yes.

25 Q In fact, there were times when your mom's friend,

Shannon O'Connor - Cross

1757

1 Erin Carol, would drive you to the Best Western, do you
2 remember that?

3 A No.

4 Q Do you remember any of your mother's friends
5 driving to you to the Best Western?

6 A I -- the only thing I remember was Barb Conway when
7 we picked up my guinea pigs.

8 Q Did Mrs. Conway ever take the two of you and drop
9 you off at the Best Western when you lived in Deposit?

10 A I don't remember. I said that she helped us -- she
11 picked up the guinea pigs when we were ready to go back home.

12 Q Your mom would take you to the Best Western
13 frequently when you lived in Deposit, didn't she?

14 A Couple of times.

15 Q More than three?

16 A I don't know.

17 Q I'm going to hand you what's been marked defense
18 and received into evidence as Defense Exhibit 0-7 ask if you
19 can identify what's that in photograph?

20 A Me bowling.

21 Q Do you recall whether that photograph was ever
22 taken while you were staying at the Best Western?

23 A Yes, it was.

24 Q I'm going to also hand you what's been marked as
25 Defense Exhibit 0-37 and ask if you can identify those

Shannon O'Connor - Cross

1758

1 photographs.

2 A It is me and my mother bowling.

3 MISS PEEBLES: Your Honor, at this time I'm
4 going to offer Defense Exhibit O-37 into evidence.

5 MR. LOVRIC: No objection.

6 MR. FISCHER: No objection.

7 THE COURT: All right. We'll receive
8 Defendant's O-37 in evidence.

9 BY MISS PEEBLES:

10 Q So these photographs -- all right. So this first
11 photograph is a photograph of you bowling?

12 A Yes.

13 Q This was taken when your mom took you to the Best
14 Western on one of those locations when you lived in Deposit?

15 A I believe, so yes.

16 Q When your mom took you to Deposit to take you
17 bowling and to Chuckie cheese, that was something that you
18 two did together that you enjoyed, is that fair?

19 A She didn't take me to Deposit.

20 Q Take you to the Best Western from Deposit, that was
21 something that the two of you did together, is that fair?

22 A Yes.

23 Q And you had fun when you would go to the Best
24 Western with your mother, is that a fair statement?

25 A Sometimes.

Shannon O'Connor - Cross

1759

1 Q You would go to the Oakdale Mall and go shopping?

2 A Some of the times we did.

3 Q And sometimes you'd go to Wal-Mart?

4 A Yes.

5 Q And sometimes you'd go to K-Mart?

6 A Yes.

7 Q In fact, during your December 5 interview you
8 actually say that there were three times that your mom took
9 you to the Best Western from Norwich and that the first time
10 you went you just went shopping and hung out, is that what
11 you said on December 5?

12 A I didn't hear all of it. It was really staticky.
13 Please don't play it again.

14 Q We'll get back to that and I'll ask you some more
15 questions about it in a minute.

16 A Do we have to watch the tape again?

17 Q We're going to get to the part where you say you
18 went to the Best Western on three occasions, okay?

19 A Okay.

20 Q Now, I want to talk to you about your cellular
21 telephone.

22 A My what?

23 Q That your mom gave you, your TracFone that your mom
24 gave you, do you understand?

25 A Yes.

Shannon O'Connor - Cross

1760

1 Q I'm going to hand you what's been marked as Defense
2 Exhibit O-38 and ask if you can identify what number that is
3 at the top of the page there? Can you identify that TracFone
4 number?

5 A What number do you want me to read?

6 Q Right here.

7 A Okay. 607.

8 Q Read it to yourself.

9 A Sorry. Yes.

10 Q That was your TracFone number?

11 A I have no idea what my number was.

12 Q You have no recollection what your TracFone number
13 was?

14 A No. And I have a cellphone now, I don't even know
15 what my number is.

16 Q Well, would it refresh your recollection if you
17 looked at the second page down in the middle of it where it
18 refers to a call that you made from the Norwich Police
19 Department on March 15, I'm sorry, to Dean Sacco on March 15?
20 It's on the last page.

21 A Oh, this page.

22 Q I think you're on the wrong page.

23 A You told me the last page.

24 Q Let me look at it. I'm sorry. It's on the first
25 page, March 15, the phone call that you made to the 908 area

Shannon O'Connor - Cross

1761

1 code, do you see that?

2 A The what area code?

3 Q 908.

4 A Yes.

5 Q That was to Dean Sacco from the Norwich Police
6 Department?

7 A March -- I believe it was.

8 Q Do you recall using your cellular telephone to call
9 Mr. Sacco on March 15 from the Norwich Police Department?

10 A Yes.

11 MISS PEEBLES: Your Honor, at this time I'd
12 like to offer this exhibit into evidence, Defendant's O-38.

13 MR. LOVRIC: Can I take a look at it?

14 THE COURT: Sure.

15 MR. LOVRIC: I have no objection. It's also
16 Government's Exhibit 81 but I have no objection to it.

17 THE COURT: All right.

18 MR. FISCHER: No objection.

19 THE COURT: We'll receive Defendant's O-38 in
20 evidence, noting it's the same as Government Exhibit 81.

21 BY MISS PEEBLES:

22 Q Now, Shannon, looking at your cellular TracFone
23 number that you had that your mom had given to you, it shows
24 you made a call to the 908 area code on 3:15. So that phone
25 was in your possession on March 15 of '07, is that a fair

Shannon O'Connor - Cross

1762

1 statement?

2 A I'm not quite sure if I had it or Detective Blenis
3 had it.

4 Q Well, if Detective Blenis had your cellphone, how
5 would he have gotten it if you didn't give it to him?

6 A I don't know when I gave it to him. I don't
7 remember the dates.

8 Q But you know that you used the phone on March 15 to
9 call Mr. Sacco from the Norwich Police Department, correct?

10 A Correct.

11 Q And that's reflected in this exhibit, correct?

12 A Yes.

13 Q All right. Now, we're going to look on the second
14 page of this exhibit at the top of the page where it says
15 1/1/07 which would have been New Year's Day, do you see that?

16 A Yeah.

17 Q On there it looks as though the TracFone that your
18 mom had given you had called Mr. Sacco on January 1 of '07.
19 Does that look like what that says?

20 A That's not my -- I don't get it. There's the house
21 phone number on it.

22 Q Looking specifically at January 1, which is the
23 second entry which goes to an outgoing call to (908)906-7917,
24 do you see that?

25 A Yes. I was looking at the wrong date. I'm sorry.

Shannon O'Connor - Cross

1763

1 Q Do you see that now?

2 A Yes.

3 Q That was a call to Mr. Sacco on that day, on New
4 Year's Day from your TracFone, correct?

5 A Yes. That's what it says.

6 Q And then there was another one shortly thereafter,
7 like within the same time frame reflected there, correct?

8 A That's what it says.

9 Q In fact, where the dots are located next to the
10 number, all of those calls were made to Mr. Sacco's
11 telephone, is that fair?

12 A That's what it says.

13 Q And it has also that you -- your phone had called
14 him on December 30 of '06 on two occasions, on two attempts
15 were made to call him on that day, is that fair?

16 A That's what it says.

17 Q Now, do you remember making those phone calls to
18 Mr. Sacco now that you look back at these phone records?

19 A No.

20 Q Because you testified earlier that you didn't make
21 any phone calls to Mr. Sacco?

22 A Yes. That's why I don't remember.

23 Q Now, December 27 on your birthday, a phone call was
24 made from your home phone to Glenwood Furniture, did you know
25 that?

Shannon O'Connor - Cross

1764

1 A No.

2 Q You don't recall making a phone call on your
3 birthday at approximately 5:00 to Glenwood Furniture?

4 A No.

5 Q A nine-minute phone call?

6 A I do not remember.

7 Q I'm going to show you what's been offered into
8 evidence as Defendant's Exhibit or Government Exhibit 83, the
9 home phone records from 45 Fair Street when you lived with
10 your mother and on that phone record it indicates on
11 December 27 at 4:44 PM there was a call to Jersey City, New
12 Jersey, area code starting in 201. Do you see that?

13 A Yes, I do see that.

14 Q That says it was a nine-minute call, nine minutes
15 in duration?

16 A Yes. That's what it says.

17 Q And that phone number went to Glenwood Furniture,
18 is that correct?

19 A It said whatever it said.

20 Q And that's at 4:40 PM on December 27, that's what
21 the phone record says, correct?

22 A Yes. That's what it says.

23 Q That wasn't Mr. Sacco's cellphone number, correct,
24 because his cellphone we just saw starts at 908 area code,
25 correct?

Shannon O'Connor - Cross

1765

1 A Correct.

2 Q Now, I'm going to play the portion of the video
3 concerning the Best Western where you're talking about
4 traveling there three times. Okay. Page 24 in the
5 transcript.

6 (playing Government Exhibit 89).

7 Q All right. So you heard what you said on the video
8 and you mentioned three times that you went to the Best
9 Western, do you recall that?

10 A That's what it says.

11 Q And on December 5 you said you went shopping with
12 your mom, the first time you went to the Best Western,
13 correct?

14 A Can you repeat that, please.

15 Q You said you went shopping with your mom, the first
16 time you went to the Best Western and nothing happened, do
17 you remember that?

18 A Yes.

19 Q And that's what you said, correct?

20 A Yes. That's what I did say.

21 Q And then you said there were two other times when
22 your mom had two men come up to the room, that's what you
23 told them, right?

24 A That's what it said, yes.

25 Q Well, were you telling them the truth then or

Shannon O'Connor - Cross

1766

1 what's your version today?

2 MR. LOVRIC: Objection.

3 THE COURT: Sustained.

4 Q Now, I want to talk to you about what you said
5 regarding Mr. Lang again, the man that you referred to as
6 Grandpa. I want to talk to you again about when you said
7 your mom took pictures of you giving Mr. Lang a blow job.
8 All right. I'm going to play the video about what you said
9 on December 5 and ask you to listen if this is what you told
10 them. Page 20.

11 (Playing Government Exhibit 89).

12 Q Just so we're clear, on December 5 you told Denise
13 Oliver and Elizabeth Chesebro that your mom had taken
14 pictures of you giving Grandpa, George Lang, a blow job right
15 around your 12th birthday, that's what you told them at
16 that time, is that right?

17 A That's what it says, yes.

18 Q And that was December of 2005, correct?

19 A That's what I said.

20 Q Well that's -- you turned 12 in December of 2005?

21 A Yeah.

22 Q And that's when you were claiming that these
23 pictures were being taken of you and George Lang, right.

24 A Yes.

25 Q Just so we're clear, that's also what you said

Shannon O'Connor - Cross

1767

1 then, the same time that you were claiming your mom was
2 sexually abusing you at 11 River Street, just so we're clear,
3 is that correct?

4 A Yes, that's what I had said.

5 Q I'm going to hand you what's been marked as
6 Defendant's Exhibit O-39 and ask if you know what this is?

7 A It's my old diary.

8 Q Do you remember your mom giving that to you?

9 A I don't remember when but I do remember her giving
10 it to me.

11 MISS PEEBLES: Your Honor, I'm going to offer
12 Defense Exhibit O-39 into evidence.

13 MR. LOVRIC: Judge, I have to look at it.

14 THE COURT: Sure.

15 THE WITNESS: Never mind.

16 THE COURT: Need some time to look at it,
17 Mr. Lovric?

18 MR. LOVRIC: Not really, Judge.

19 THE COURT: I'm sorry.

20 MR. LOVRIC: Not really. There's not much in
21 it.

22 THE COURT: Okay.

23 MR. LOVRIC: I'm just looking to find what it
24 is we're looking at.

25 THE COURT: All right.

Shannon O'Connor - Cross

1768

1 MR. LOVRIC: There's nothing in there, Judge.

2 THE COURT: Okay.

3 MISS PEEBLES: That's not true.

4 THE COURT: Wait a minute. Really raising a
5 question. Let's go over to side-bar and see. Maybe I'll
6 have a third answer.

7 (At the Bench).

8 MR. LOVRIC: I was pretty close when I said
9 there's nothing in it.

10 THE COURT: Did you want to put it in for
11 Linda's statement?

12 MISS PEEBLES: I want to put it in. My life
13 has forever changed.

14 THE COURT: These are events that occurred on
15 2/11/07.

16 MISS PEEBLES: When she was still with her
17 mom, yes.

18 THE COURT: That doesn't mean anything to me.
19 Could you explain it to me.

20 MISS PEEBLES: Judge, this book is a gift from
21 Linda to the witness.

22 THE COURT: Okay.

23 MISS PEEBLES: She identified it. She said
24 her mom gave it to her. I want to offer it. Linda gave her
25 a locked diary during a time period when the government was

Shannon O'Connor - Cross

1769

1 alleging she to have -- government is alleging Linda O'Connor
2 was allowing Dean Sacco to have sex with her.

3 THE COURT: You're contending if all these
4 things are happening, it would be in this little black book?

5 MISS PEEBLES: No.

6 THE COURT: I wouldn't think so.

7 MISS PEEBLES: But it's a gift. It's a gift
8 from Linda to Shannon.

9 THE COURT: That Linda loves Shannon?

10 MISS PEEBLES: No. It goes to --

11 MR. EGAN: She's giving her a locked diary.

12 THE COURT: I don't know anything about a
13 locked diary, does that mean something?

14 MR. EGAN: Well, a locked diary, one can put
15 down one's memories of being molested by your Grandpa and
16 mother in a locked diary. She didn't. The only thing she
17 wrote --

18 THE COURT: That this stuff didn't happen?

19 MISS PEEBLES: Yeah, it could be.

20 MR. FISCHER: I think that's it. Basically
21 it's inconsistent with guilt. I believe it's relevant in
22 that regard. Here's a locked diary, write down your secrets,
23 lock it up and don't tell anybody.

24 MISS PEEBLES: You couldn't get it open and
25 the key was on it.

Shannon O'Connor - Cross

1770

1 MR. FISCHER: I think it's inconsistent with
2 guilt and fairly strong evidence if it's accepted as that.

3 MR. LOVRIC: Guilt of what? Are you talking
4 about the defendant's feeling guilty or what, you lost me?

5 MR. FISCHER: It's consistent with Linda
6 O'Connor's absence of guilt on that date in my opinion.

7 THE COURT: When was she given the diary?

8 MISS PEEBLES: December 25, '06, right when
9 she is saying all this horrible stuff is happening. She
10 writes in there my precious, precious daughter, God love you,
11 blah, blah.

12 THE COURT: That's not inconsistent with the
13 pattern of what Linda is all about from what I heard.
14 Sometimes she was trying to be very nice and sometimes they
15 quarrel like any --

16 MR. EGAN: Lets continue the pattern and let
17 us get our spin on it. We can put our spin on it; they can
18 put their spin on it.

19 MR. LOVRIC: It's not a matter of spin. I was
20 trying to figure out the relevancy.

21 MR. EGAN: Tell me where in this statement you
22 fail to see relevance? Today has forever changed my life.
23 She says -- she says today has forever changed my life, on
24 February 11, '07, that is when she said she was molested by
25 Sacco. My theory I believe is, that's the first and only

Shannon O'Connor - Cross

1771

1 time he had sex with her, that day.

2 THE COURT: Are you going to say that on
3 summation?

4 MR. EGAN: I think we should be able to get it
5 in.

6 THE COURT: Are you joining in the objection
7 of the government, Mr. Fischer?

8 MR. FISCHER: No, no. I think, like most
9 things, go either way. Depends on your perspective on it.

10 THE COURT: Well with --

11 MR. LOVRIC: I'm -- I'm still trying to figure
12 out the relevancy.

13 THE COURT: I'll allow it in evidence and you
14 guys can both make whatever arguments you want about it.

15 MISS PEEBLES: Thank you.

16 THE COURT: Maybe the jury will see the
17 relevance. I don't know.

18 (In open Court).

19 THE COURT: Okay. We'll receive Defendant's
20 O-39 in evidence.

21 BY MISS PEEBLES:

22 Q Shannon, I want you to read the writing on the
23 cover of the diary. You said your mom gave you this, right?

24 A Yes.

25 Q Can you read that?

Shannon O'Connor - Cross

1772

1 A Yes.

2 Q Can you read it out loud to the jury for me?

3 A To my precious, precious daughter. May all your
4 thoughts be as precious as you are to me.

5 Q What else does it say?

6 A Love always and forever mom.

7 Q And your mom gave you that on December 25, so for
8 Christmas of '06?

9 A That's what the date is.

10 Q And you wrote in there on February 11, do you
11 remember writing in there?

12 A No.

13 Q Can you read what's written on this page that's
14 dated February 11 of '07?

15 A Dear Diary. Today has forever changed my life. I
16 am so thankful to God that I meet this on.

17 Q Do you know what you were referring to when you
18 started to write that passage in your diary?

19 A Probably one of my boyfriends.

20 Q Which one of your boyfriends do you think it was?

21 A I don't know. I switched a lot during sixth grade.

22 Q How many boyfriends do you think that you had
23 during February '06?

24 A I don't remember if I was going out with my
25 brother's friend or my best friend's friend. I don't

1 remember which one it was.

2 Q Your brother, who's your brother?

3 A I mean my foster brother.

4 Q But that was dated February 11, weren't you in
5 foster care February 11?

6 A Well, he was in my grade level and we were in the
7 same grade and my classroom was here, my homeroom and his was
8 right here (indicating), so I had met my foster brother
9 before I went to foster care.

10 Q Jeremy you're talking about?

11 A Yes.

12 Q Let's talk a few minutes about Kim Hamilton, your
13 foster mom. She's a very nice lady, is that a fair
14 statement?

15 A Yes.

16 Q And she was very good to you when you were living
17 at their house, is that fair to say?

18 A Yes.

19 Q And she confronted you about being manipulative on
20 a couple of occasions, do you remember her doing that?

21 A No.

22 Q Do you remember her being concerned about the fact
23 that you had lied to your mother on the phone a couple of
24 times?

25 A No.

Shannon O'Connor - Cross

1774

1 Q You're saying it didn't happen or you're saying you
2 don't remember?

3 A I don't remember.

4 Q Your mom wrote you a lot of letters when she was in
5 the county jail, is that a fair statement?

6 A Yes.

7 Q I'm going to hand you what's been marked as Defense
8 Exhibit O-40 and ask if you can identify this document?

9 A It's one of the letters my mom wrote to me.

10 Q And you remember receiving that letter?

11 A Yes, I did.

12 MISS PEEBLES: Your Honor, I'm going to offer
13 Defense Exhibit O-40 into evidence.

14 MR. LOVRIC: No objection.

15 MR. FISCHER: No objection.

16 THE COURT: Receive Defendant's O-40 in
17 evidence.

18 BY MISS PEEBLES:

19 Q I'm going to show you a letter which is dated
20 July 20 of '07 from your mother that you did get. I'm going
21 to ask you to read this letter to the jury?

22 A Can I read it and hold that in person, please.

23 Q Sure.

24 A You want me to start now?

25 Q Yes.

Shannon O'Connor - Cross

1775

1 A It says Peanut, how is my sweetie doing? Are you
2 missing me as much as I miss you? Hope to see you soon. So
3 what have you been up to lately? Write mommy and fill me in
4 on what you've been doing. I'm doing good. Have you picked
5 any tomatoes yet? I bet their tasty. Go get the tomatoes
6 and enjoy them. So I hear you want to go to Virginia. I'm
7 sure you'll like it. I gets really hot there. I also heard
8 you are working 9:00 AM to 5 PM. Any time to play? That's a
9 long -- that's a long day for a 13 year old and I'm proud of
10 you. Keep up the good work and remember to have fun too.
11 Well a good portion of a month is gone and it's a little
12 closer to getting to see you soon. I miss my peanut. I'm
13 going to draw and color a picture -- yeah, a picture and send
14 it to you. I hope you'll like it. Well it's late and I'm
15 headed to bed but first I need to tell you that angels are
16 in between the stars keeping you safe and protecting you and
17 don't for get it. Roses on your pillow.

18 Q I'm going to hand you what's been marked as Defense
19 Exhibit 41 and ask you if you can identify this document?

20 A It's another letter my mom wrote to me.

21 MISS PEEBLES: At this time I'd like to offer
22 Defense Exhibit O-41 into evidence.

23 MR. LOVRIC: I have no objection.

24 MR. FISCHER: No objection.

25 THE COURT: Receive Defendant's O-41 in

1 evidence.

2 Q I'd like you to read this letter out loud just like
3 you did Exhibit O-40?

4 A Okay. Hi Shannon. What's new with you? Are you
5 having fun this summer? I hope so. I bet you have a nice
6 tan. You always look great in the summer with a nice tan.
7 About your turtle, he is at Tony and John's house with Buddy.
8 He is safe. So how was your ride to Virginia? Was it fun?
9 Did you stop to see anything? Was it hot outside? So the
10 fair is coming -- so the fair is coming this week. I bet
11 you're going to have fun there. Go on all the rides and eat
12 junk. Have an elephant ear for me, okay? I'm doing good in
13 here. The food is a lot to be desired. I've lost 20 pounds,
14 down to 180. I'm looking good. I hope to see you soon.
15 I'll talk to Liz to find out what's going on with the birth
16 certificate. Well, it's almost dinner time. We're having
17 chicken and potatoes, vegies milk and fruit.

18 Q Now, Shannon, I'm going to hand you what's been
19 marked as Defense Exhibit O-42 and ask if you can identify
20 the doodling on that envelope?

21 A Yeah. It's I love you mommy.

22 Q Do you recall writing that?

23 A Yeah.

24 MISS PEEBLES: Your Honor, at this time I'd
25 like to offer into evidence Exhibit O-42.

Shannon O'Connor - Cross

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1 MR. LOVRIC: No objection.

2 MR. FISCHER: No objection.

3 THE COURT: Receive Defendant's O-42 in
4 evidence.

5 Q So, Shannon, you had doodled on an envelope, I love
6 you mommy, which is written on Defense Exhibit O-42, do you
7 see that?

8 A Yes, I do see that.

9 Q That's your handwriting?

10 A Yes.

11 Q And you did refer to your mom and mommy, is that
12 fair?

13 A Sometimes.

14 Q And the saying, roses on your pillow, that was
15 something the two of you would say to each other even at the
16 end of a phone conversation, is that fair?

17 A Yes.

18 Q I'm going to hand you what's been marked as Defense
19 Exhibit 43 and ask if you can identify this document.

20 A It's another letter that my mom had written to me.

21 MISS PEEBLES: I'm going to offer Defense
22 Exhibit O-43 into evidence.

23 MR. LOVRIC: No objection.

24 MR. FISCHER: No objection.

25 THE COURT: Receive Defendant's O-43 in

1 evidence.

2 Q Shannon, I'm going to hand you what's been marked
3 and received into evidence as O-43 and ask, again, if you can
4 read that document just like you did the last two?

5 A Hi Shannon. How is my girl feeling? Are you
6 having fun summer? Are you going swimming a lot? How is
7 your job? Do you like it? Mommy is doing good. The food
8 is -- yeah, the food is pretty good and I'm enjoying writing
9 to my sweetie. I'm waiting to eat dinner. We eat at 7:15 AM
10 11:15 AM, 4:15 PM. I can't wait until I hear from you. I
11 miss you and love you noodles. I will make sure you receive
12 mail from mommy. I signed up for therapy while I'm in here
13 and I'm going to church. I'm a week and a half closer to
14 coming home. Well, Princess, be good and be strong. I will
15 do the same thing. Know that I love you and care about you
16 greatly. I've got to go for now but I will write -- I will
17 write again. The angels are in between the stars keeping you
18 safe and protecting you, don't forget it. Roses on your
19 pillow. Smile, it will only get better from here. Love you
20 Peanut. Mommy.

21 Q When your mom went to jail, that was very upsetting
22 to you, is that a fair statement?

23 A Yes.

24 Q In fact, there was a period of time where you
25 really wanted to know from Miss Chesebro whether your mom was

Shannon O'Connor - Cross

1779

1 going to go to jail, is that a fair statement?

2 A Yes.

3 Q And initially nobody was telling you anything, is
4 that a fair statement?

5 A I don't remember.

6 Q I'm going to hand you what's been marked as Defense
7 Exhibit 44 and ask if you can identify this document.

8 A It's another letter from my mom.

9 MISS PEEBLES: Your Honor, I'm going to offer
10 Defense Exhibit O-44 into evidence.

11 MR. LOVRIC: No objection.

12 MR. FISCHER: No objection.

13 THE COURT: Receive Defendant's O-44 in
14 evidence.

15 Q Shannon, I'm going to hand you what's been received
16 into evidence as Defendant's Exhibit O-44 and ask you to read
17 that letter to the jury as well?

18 A Hi Shannon. How is my sweetie doing? Mommy misses
19 you very much. To answer the question on visitation, it's
20 out of my hand. The only one who can get your birth
21 certificate now is social services. I sent for it and had it
22 mailed to Liz Chesebro. I don't know what happened. I'll
23 fill out another paper and send it to Liz and we will see
24 what happens okay, sweetie? So are you ready for school? By
25 the way, ask Liz to go to social services so I can call you.

Shannon O'Connor - Cross

1780

1 I had to go to the hospital the day she wanted me to call and
2 by the time I got back it was the last thing on my mind. My
3 blood work came back great. No more Byelta at all, no more
4 shots and they might be taking me off or taking me off one of
5 my pills at night for my sugar. Mommy lost 24 pounds, down
6 to 178. So mommy is full of good news sweetie. I can't wait
7 until we talk on the phone. I miss you very much. Well, I'm
8 going to end this letter. Here is a picture for you. Love
9 you, Peanut. Mommy.

10 Q Now, after you went to the Greater Binghamton
11 Health Center, you never received any other letters from your
12 mom, is that true?

13 A I was not allowed contact.

14 Q And you knew that?

15 A Yes, I did.

16 Q Now, I'm going to hand you what's been marked as
17 Defense Exhibit O-47 and ask if you can identify this
18 document?

19 A This was something I had written.

20 Q Do you recognize that as your handwriting?

21 A Yes.

22 MISS PEEBLES: Your Honor, at this time I'm
23 going to offer Defense Exhibit --

24 THE COURT: You said 47. You want to stick
25 with it?

Shannon O'Connor - Cross

1781

1 MISS PEEBLES: Stick with it.

2 THE COURT: That's fine.

3 MR. LOVRIC: No objection.

4 MR. FISCHER: No objection.

5 THE COURT: Receive Defendant's O-47 in
6 evidence.

7 BY MISS PEEBLES:

8 Q All right. Shannon, this is a Christmas wish to
9 Elizabeth Chesebro?

10 A Well, yeah, it was something I had written.

11 Q And you sent that to Liz Chesebro?

12 A I don't remember if I sent it.

13 Q You don't recall whether you sent it but you
14 acknowledge that you wrote it?

15 A Yes.

16 Q And that was to wish her father and her a great
17 Christmas and a happy birthday?

18 A Yes.

19 Q I'm going to hand you what's now been marked as
20 Defense Exhibit O-48 and see if you can identify this
21 document?

22 A This was something that I had to write.

23 MISS PEEBLES: Your Honor, at this time I'd
24 like to offer Defense Exhibit O-48 into evidence.

25 MR. LOVRIC: Can I have voir dire, Judge?

Shannon O'Connor - Cross

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1 THE COURT: Sure.

2 VOIR DIRE EXAMINATION

3 BY MR. LOVRIC:

4 Q Shannon, this exhibit you were just shown, where
5 was it that you had to write this, do you remember?

6 A I don't remember.

7 Q Was it -- was it in school or out of school?

8 A No, it was out of school.

9 Q School at the Greater Binghamton Center or school
10 before you got there?

11 A It was before.

12 Q Okay. Do you know why you had to write this, do
13 you remember?

14 A It was one of my punishments.

15 Q Do you remember what it was a punishment for?

16 A I guess for lying and stealing. That's what it
17 says.

18 Q Do you remember anything about what it was about or
19 why you had to write this?

20 A No.

21 MR. LOVRIC: I have no objection.

22 MR. FISCHER: No objection.

23 THE COURT: Receive Defendant's O-48 in
24 evidence.

25 BY MISS PEEBLES:

Shannon O'Connor - Cross

1783

1 Q So this was a punishment?

2 A Yeah. Like a long time ago.

3 Q And you don't recall anything else about it why you
4 were required to write over 50 times I will not lie or steal?

5 A No.

6 Q Do you recall being punished at school when you
7 were in Deposit for lying?

8 A Couple of times, yes.

9 Q I'm going to hand you now what's been marked as
10 Defense Exhibit O-49 and ask if you can identify this
11 document?

12 A I don't quite know what that says.

13 Q Can you identify the document?

14 A It's me.

15 Q You wrote that?

16 A Yeah. I wrote this.

17 MISS PEEBLES: Your Honor, at this time I'd
18 like to offer Defense Exhibit O-49.

19 MR. LOVRIC: No objection.

20 MR. FISCHER: No objection.

21 THE COURT: Receive Defendant's O-49 in
22 evidence.

23 BY MISS PEEBLES:

24 Q I'm going to show you what's been marked as Defense
25 Exhibit O-49 and I'm going to read that, tell me if you

1 remember writing this?

2 We found a house -- a home. I have had a very
3 trying summer so far. I wish it was not this bad. I went to
4 a camp called the a YMCA day camp. I met Jenny, she is
5 really cool. We talk a lot together. I also met Dave the
6 EMT. He is really tall. I think he is really nice. He and
7 Jenny helped me. Lance is the camp leader. He road in the
8 ambulance with me. There is Rhett. He is funny. He has
9 long hair. When I went to camp all of these people were very
10 nice to me. I went to the hospital. I tried killing myself.
11 That was awful. I was there for five days. Camp is almost
12 over. That stinks. I love camp. Me and my mom are not
13 doing good. I wish she was nicer and didn't yell all the
14 time. I met two kids that are going to the sixth grade. Do
15 you remember writing that?

16 A Yes, I do.

17 Q So you remember now that Lance road with you in the
18 ambulance?

19 A Yes.

20 Q I'm going to hand you now what's been marked as
21 Defense Exhibit O-41 and ask if you can identify this
22 document?

23 A It was my report card for fifth grade.

24 Q And does --

25 MISS PEEBLES: Your Honor, at this time I'd

Shannon O'Connor - Cross

1785

1 like to offer Defense Exhibit O-51.

2 THE COURT: Fifty-one. I think you said 41.

3 MISS PEEBLES: I met 51 if I said 41.

4 THE COURT: Okay. Show it to your opponent.

5 MR. LOVRIC: No objection.

6 MR. FISCHER: No objection.

7 THE COURT: Receive Defendant's O-51 in
8 evidence.

9 BY MISS PEEBLES:

10 Q Now, Shannon, this report card reflects your marks
11 during the time period between September '05 to January of
12 '06, is that what it says on there?

13 A Yes, it does.

14 Q And you were doing fairly well in school, above 80s
15 in all your subjects, is that fair?

16 A Yeah.

17 Q And that's when you were residing at 11 River
18 Street, correct?

19 A Yes.

20 Q I'm going to hand you what's been marked as Defense
21 Exhibit 52 and ask you if you can identify this document?

22 A It was a poem that I had written.

23 Q And so you wrote that and you recognize it?

24 A Yes.

25 MISS PEEBLES: Your Honor, at this time I'd

Shannon O'Connor - Cross

1786

1 like to offer Defense Exhibit O-52.

2 MR. LOVRIC: No objection.

3 MR. FISCHER: No objection.

4 THE COURT: Receive Defendant's O-52 in
5 evidence.

6 BY MISS PEEBLES:

7 Q This was drafted by you shortly before you went
8 into the Greater Binghamton Health Center, is that fair to
9 say? It says 9/14/07, you dated that?

10 A Yes.

11 Q And it reads parents, they don't understand our
12 lives today. That's why they always say that our lives are
13 all okay. Their lives were different, unlike ours. They
14 grew up with without someone who would scream and fight and
15 yell at you. We feel abandoned. We feel alone. If you
16 won't listen, who really will. Do you even now I'm here.
17 Would you really even care if I died never to return from the
18 place that I call home. You wrote that?

19 A Yes.

20 Q And were you referring to your parent, your mother,
21 when you were writing this?

22 A My mother and Raymond.

23 Q Now, you wrote a letter to your mom regarding your
24 father Raymond O'Connor, do you remember that?

25 A Yes.

Shannon O'Connor - Cross

1787

1 Q In fact, it was dated the same day.

2 MISS PEEBLES: If I may have a moment, Judge?

3 THE COURT: Sure.

4 Q I'm going to hand you what's been marked as Defense
5 Exhibit O-53 and ask if you can identify this document. Can
6 you identify it?

7 A Oh, sorry. I wrote this.

8 Q To your?

9 A My mom.

10 MISS PEEBLES: Your Honor, at this time I'd
11 like to offer Defense Exhibit O-53 into evidence.

12 MR. LOVRIC: No objection.

13 MR. FISCHER: No objection.

14 THE COURT: Receive Defendant's O-53 in
15 evidence.

16 Q Now, in this letter to your mom, Shannon, you were
17 very upset and you were fearful that your mom was going to
18 leave you and take off with Raymond O'Connor, is that a fair
19 statement?

20 A Yes.

21 Q And it states dear mom, you said you would never
22 let me down. You always said you would be there for me. You
23 let someone hurt me over and over again. What did I do to
24 you? Where in hell did I do something to deserve that? I
25 thought you loved me. Your letter was bull. So you are

Shannon O'Connor - Cross

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1 going to pick that man you call your husband or are you going
2 to pick your daughter? I have always been there. Where was
3 your husband? Oh, that's right, he was in prison. Sounds
4 like a good person to be with. I loved you even though you
5 put me through hell. I'm not going to deal with it anymore.
6 I'm sick of it. I now have to always remember the stuff I
7 went through. You said you were a mother. If I was a mother
8 I would never, ever let someone hurt my kids. I would die
9 before I let someone hurt my kids. So now you know how I
10 feel. But though I went through hell I still love you so
11 much. I would die to make your life easier. You could
12 always pick your husband and not have to worry about me. I
13 want you to have a good life. I wonder what your life would
14 be like if I was dead? I bet your would have a good life.
15 Shannon.

16 At that time you were very upset with your mother
17 over Raymond O'Connor, is that fair to say?

18 A Yes, and other stuff.

19 Q In fact, when you talked to Deanna Kerwin back in
20 the early part of the summer and you found out your mom was
21 going to go to jail, you were very upset and you were crying
22 to her, do you remember that?

23 A I don't remember crying to her but I could have.

24 Q Did you tell her that you didn't see any reason why
25 your mom should have to go to jail, do you remember telling

Shannon O'Connor - Cross

1789

1 her that?

2 A No, I don't remember that.

3 Q In fact, it wasn't until August 1 of '07 that you
4 expressed any animosity towards your mother about the court
5 order regarding Mr. Sacco, is that a fair statement?

6 A What is an -- whatever you just said.

7 Q Anger.

8 A Yes.

9 Q So, originally, you felt like there was no reason
10 your mom had to go to jail but that changed in August of '07,
11 is that fair to say?

12 A Yes.

13 Q And you wrote something and signed it on August 1
14 of '07, do you recall doing that?

15 A What was the date?

16 Q August 1 of '07.

17 A I don't remember what I --

18 Q I'm going to hand you what I've marked as Defense
19 Exhibit O-53 and ask if you recall signing that typewritten
20 statement?

21 A Thank you.

22 THE COURT: We got O-53 before.

23 MISS PEEBLES: O-54.

24 THE COURT: How about O-54.

25 MISS PEEBLES: O-54 works.

Shannon O'Connor - Cross

1790

1 THE COURT: All right.

2 BY MISS PEEBLES:

3 Q Can you identify that?

4 A It's what I had written or typed up.

5 Q Do you remember signing that?

6 A Yes, my handwriting.

7 MISS PEEBLES: I would like to offer at this
8 time, your Honor, Defense Exhibit O-54.

9 MR. LOVRIC: I have no objection.

10 MR. FISCHER: No objection.

11 THE COURT: Receive Defendant's O-54 in
12 evidence.

13 BY MISS PEEBLES:

14 Q Now, Shannon, you acknowledge signing O-54. Who
15 typed it up, is it Miss Chesebro?

16 A I don't remember. I believe I did but I don't
17 remember.

18 Q You think you typed this up?

19 A I honestly do not remember.

20 Q And that says that you feel very angry that your
21 mom broke the court order and let Dean around me. I wish she
22 would have listened and would have protected me. I hope she
23 knows now the Court orders were for my safety. I hope the
24 next time my mom will listen if the Judge lets me go back to
25 live with her. Shannon. You signed that right?

Shannon O'Connor - Cross

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1 A Yes, I did.

2 Q You're not sure if you typed it up or somebody else
3 had typed it up for you?

4 A I don't remember who typed it.

5 Q You wrote your mom a bunch of letters yourself, do
6 you recall that?

7 A Yes.

8 Q I'm going to hand you what's been marked as Defense
9 Exhibit O-55 and ask if you can identify this document?

10 A Thank you. That's a letter I had wrote to my mom.

11 MISS PEEBLES: Your Honor, at this time I'm
12 going to offer Defense Exhibit O-55.

13 MR. LOVRIC: I have no objection.

14 MR. FISCHER: No objection. Thank you.

15 THE COURT: Receive Defendant's O-55.

16 BY MISS PEEBLES:

17 Q Now, this is to your mom when you were first taken
18 to the Hamiltons, do you remember writing this?

19 A No. That's not when I first went to the Hamiltons.

20 Q This was later, do you recall when?

21 A It was when I started cheerleading and I started
22 cheerleading sometime in late August.

23 Q August, around August 14, does that about right?

24 A Whenever I had started cheerleading.

25 Q All right. So in the letter you say dear mom, how

Shannon O'Connor - Cross

1792

1 are you doing? I'm good. I love cheerleading. It's so much
2 fun. Schools almost here. I haven't heard from you in a
3 while. Mom, we really need to talk. I need to know if you
4 really want me back. If you want me, back please try really
5 hard and do everything they say to do. I want to live with
6 you but I need a stable home and a strong mom. Now I am at a
7 stable and loving home but we both know I want to be with
8 you. Soon we have court, so please try hard. I love you and
9 can't wait to see you. Love, Shannon O'Connor.

10 You wrote that to your mom in August?

11 A Whenever I had started cheerleading.

12 Q Now, you refer to your mom not being too strong, is
13 that what you said in here, you need a strong mom?

14 A Yes, but I didn't mean like physically strong.

15 Q I understand that. You meant emotionally strong
16 and capable, is that fair?

17 A Yes.

18 Q And that would not be a good description of your
19 mother, is that a fair statement?

20 A Yes.

21 Q I'm going to hand you what's been marked as Defense
22 Exhibit O-57 and ask if you can identify this document?

23 A Thank you. That is something I had written, a
24 letter to my mother.

25 MISS PEEBLES: Your Honor, I'm going to offer

Shannon O'Connor - Cross

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1 Defense Exhibit O-57.

2 MR. LOVRIC: No objection.

3 MR. FISCHER: No objection.

4 THE COURT: Receive Defendant's O-57 in
5 evidence.

6 BY MISS PEEBLES:

7 Q And in this letter to your mom this was right
8 around the same time period, is that a fair statement?

9 A I believe so but I'm not positive.

10 Q And it says how are you? I'm good. Dear mom, how
11 are you? I'm good. So what do you do all day? Is there TV
12 or games? I was wondering why you didn't call me. I cried
13 when you didn't call. Oh, and something else I was
14 wondering, did you ever send for my birth certificate? I
15 wanted to see you so bad. Well, please let me know. I'm
16 going to Y camp twice a week. I'm so happy that I can go. I
17 love the picture. I wish I could hear your voice or see you.
18 Please promise you'll try hard to get me back. I want to
19 know that you still love me. Cheerleading is great. I'm a
20 flyer, the girl who gets thrown. I love you mommy. I'll
21 write more next time. Love, Peanut. I miss you and love you
22 so much.

23 You wrote that letter, right?

24 A Yes.

25 Q It was given to your mom on August 15 of '07?

1 A I don't know when it was exactly given to her but
2 that's what the paper says.

3 Q Now, you refer to yourself in that letter and
4 that's August of '07, you refer to your mom as mommy in that
5 letter, that's correct, right?

6 A Yes.

7 Q I'm going to hand you now what's been marked as
8 Defense Exhibit O-58 and ask if you can identify this
9 document?

10 A That was a letter I had written to my mother.

11 Q Do you know when you wrote this letter to your mom?

12 A After I had taken the babysitting course and I
13 don't remember when I took that.

14 MISS PEEBLES: Your Honor, at this time I
15 would offer Defense Exhibit O-58.

16 MR. LOVRIC: No objection.

17 MR. FISCHER: No objection.

18 THE COURT: Receive Defendant's O-58 in
19 evidence.

20 BY MISS PEEBLES:

21 Q In this letter you say dear mom, how are you doing?
22 I'm great. I love hearing your voice on the phone. School's
23 almost here. I can't wait. I love you and can't wait to see
24 you. I had a great time when I went to Six Flags. Maybe one
25 day me and you can go somewhere like that. I love

Shannon O'Connor - Cross

1795

1 cheerleading. Hey I got my babysitting course card. Now I
2 can babysit and know what to do if one of the kids get hurt.
3 Well I'll talk to you soon. Love, Shannon O'Connor. You
4 refer to yourself as a/k/a Peanut.

5 That's a letter you wrote to your mom?

6 A Yes.

7 Q Now, Shannon you have -- you had a lot of contact
8 with Elizabeth Chesebro while you were in the Hamiltons, is
9 that a fair statement?

10 A Yes.

11 Q And that contact consisted of she drove you places?

12 A Yes.

13 Q And she stopped by the Hamiltons and visited with
14 you?

15 A Yes.

16 Q And she went to your school and saw you?

17 A Yes.

18 Q And she communicated via e-mail with you?

19 A Yes.

20 Q And you spoke on the phone a lot?

21 A I don't know about a lot but I spoke to her on the
22 phone.

23 Q On the telephone?

24 A Yes.

25 Q Now, you -- Liz Chesebro would talk to you about

Shannon O'Connor - Cross

1796

1 your mom, is that a fair statement?

2 A Sometimes we would.

3 Q And she would talk to you about your mom and her
4 inability to change, is that a fair statement?

5 A Yes.

6 Q And she would tell you often times that you can
7 take a horse to water but you can't make her drink. Is that
8 something she said to you?

9 A I don't remember exactly what she had written.

10 Q Well, I didn't ask about what she had written. I
11 asked about whether she said that to you?

12 A I don't remember.

13 Q Did she talk to you about your mom and her
14 inability to change?

15 A Yes.

16 Q Did she talk to your mom about your mom not having
17 any money to support you?

18 A Yes.

19 Q And she talked to you about that when you were at
20 the Hamiltons, didn't she?

21 A Yes.

22 Q And she told you that your mom didn't have the
23 means to support you and care for you, she told you that,
24 right?

25 A Yes, and I agreed.

Shannon O'Connor - Cross

1797

1 Q Now, when your mom did get money, is it a fair
2 statement to say she always bought you things with what she
3 had?

4 A Not always but most of the time.

5 Q Well, is it a fair statement to say, if you asked
6 for something she did her best to try to get it for you, is
7 that fair?

8 A Yes.

9 Q Now, you were writing your mom letters up until
10 August about wanting to go home and go back and live with her
11 and you were telling her how much you missed her, is that a
12 fair statement?

13 A Yes.

14 Q And then it was September that that changed, is
15 that fair?

16 A Yes.

17 Q Now, when you went to the Greater Binghamton Health
18 Center, you were really connected to the Hamiltons, is that a
19 fair statement?

20 A Yes.

21 Q And at that point it was your desire to maybe be
22 adopted by the Hamiltons, is that a fair statement?

23 A When I first got to Greater Binghamton Health
24 Center, yes.

25 Q Now, you were going through counseling and you

Shannon O'Connor - Cross

1798

1 talked about this Miss Lisa, right?

2 A Yes.

3 Q And she talked to you about whether the Hamiltons
4 would be able to adequately care for you, is that a fair
5 statement?

6 A Yes, it is.

7 Q And she told you she didn't think the Hamiltons
8 were equipped to handle your mental and emotional needs, is
9 that a fair statement?

10 A Yes.

11 Q And at some point you began saying that you didn't
12 feel safe at the Hamiltons, is that a fair statement?

13 A I don't remember saying I didn't feel safe.

14 Q You don't remember ever telling that to Liz
15 Chesebro?

16 A I do not remember.

17 Q Is that something that you may have said or you
18 just don't recall?

19 A I do not remember.

20 Q Now, when you first went into the Greater
21 Binghamton Health Center they did an evaluation. Do you
22 remember that they asked you a series of questions?

23 A You mean when I first got admitted?

24 Q Correct.

25 A I remember them asking questions.

Shannon O'Connor - Cross

1799

1 Q Do you recall them asking you a question about
2 whether or not you suffered from any auditory or visual
3 hallucinations, do you remember them asking you that?

4 A No, I do not remember.

5 Q Did there come a point in time where you claimed
6 that you were suffering from auditory and visual
7 hallucinations?

8 A You mean hearing things?

9 Q And seeing things.

10 A Yes.

11 Q And you told that to the individuals that were
12 working at the Greater Binghamton Health Center, is that
13 fair?

14 A Yes.

15 Q And because you told them that, they began giving
16 you medication for that, is that fair to say?

17 A Yes.

18 Q Now, Shannon, how many times, if you know, have you
19 been to the hospital since -- we'll start with since you were
20 at the Greater Binghamton Health Center until last week?

21 A I don't know.

22 Q Is it more than on two hands?

23 A I don't know.

24 Q Do you have an approximate guess?

25 A No.

Shannon O'Connor - Cross

1800

1 Q Do you recall what some of the reasons were you
2 were taken to the hospital?

3 A A kidney stone, hurt my shoulder trying to do a
4 back bend, problems with my stomach, my knee. I believe that
5 was it.

6 Q Since you've been at the residential treatment
7 facility, have you been to the hospital at all?

8 A Yes, for my knee.

9 Q And when was that?

10 A I have no idea.

11 Q Was it in the past month?

12 A I don't think so.

13 Q Shannon, I'm going to hand you what's been marked
14 as Defense Exhibit O-59 and ask if you can identify this
15 document.

16 A It was something that I had written.

17 MISS PEEBLES: Your Honor, I'd like to offer
18 into evidence, Defense Exhibit O-59.

19 MR. LOVRIC: No objection.

20 MR. FISCHER: No objection.

21 THE COURT: Receive Defendant's O-59 in
22 evidence.

23 BY MISS PEEBLES:

24 Q Now, Shannon, you wrote this on September 14 and it
25 states, today I feel mad and depressed at 6:23 PM. I know

Shannon O'Connor - Cross

1801

1 that today will be a bad day. I hate myself. I'm so ugly I
2 wish I was dead. I'm not worth it. I'm nothing but a piece
3 of shit. My mom hates me and is going to pick my father
4 instead of me. I wish someone would kill me. I deserved to
5 be raped. It was my fault. I'm going to kill myself with
6 pills. Do you remember writing that?

7 A Yes.

8 Q And was that also connected with the letter that
9 you wrote to your mom concerning your father Ray O'Connor?

10 A I don't remember.

11 Q Do you recall writing, I want to see my mom. If I
12 don't see my mom, I will kill myself. Do you remember ever
13 writing that?

14 A I don't remember.

15 Q I'm going to hand you what's been marked as Defense
16 Exhibit O-60 and ask if you can identify this document.

17 A That is something I had written, yes.

18 MISS PEEBLES: Your Honor, at this time I'd
19 like to offer Defense Exhibit O-60.

20 MR. LOVRIC: No objection.

21 MR. FISCHER: No objection.

22 THE COURT: Receive Defendant's O-60 in
23 evidence.

24 BY MISS PEEBLES:

25 Q Does this say, O-60, is this a binder of some sort

Shannon O'Connor - Cross

1802

1 that you had for school? It's an English number 42.

2 A I don't remember.

3 Q Do you remember that this is your writing though on
4 this exhibit?

5 A Yes.

6 Q And on it it says, I want to see my mom. If I
7 don't see my mom I will kill myself. Do you remember that?

8 A Yes.

9 Q Do you recall when you wrote these notes?

10 A It could have been during school but I don't
11 remember.

12 Q It could have been during school when you were
13 living with the Hamiltons?

14 A Yes.

15 Q Shannon, you drafted a victim impact statement on
16 May 21 of 2007, do you recall doing that?

17 A I don't remember.

18 Q I'm going to hand you what's been marked as Defense
19 Exhibit O-61 and ask if you can identify that document? Can
20 you identify that document?

21 A It is something that was done in counseling.

22 Q Did you sign that document?

23 A Yes, I did.

24 Q And you just read the document?

25 A Most of it.

Shannon O'Connor - Cross

1803

1 Q Can you identify what that document is?

2 A It's about how I feel physically, emotionally. How
3 do you feel, indicated.

4 Q Don't read from the document. Just in general. Is
5 that the victim impact statement that you did with your
6 counselor?

7 A Yes.

8 MISS PEEBLES: Your Honor, at this time I'd
9 like to offer Defense Exhibit O-61.

10 MR. LOVRIC: No objection.

11 MR. FISCHER: I do have an objection, your
12 Honor. May we address it at side-bar?

13 THE COURT: Sure. We'll take a break.

14 (At the Bench).

15 (Jury excused).

16 THE COURT: Let's see. What's the point,
17 Kelly?

18 MR. FISCHER: Difficulty I'm having down here,
19 the bottom of it. What do you feel should happen to the
20 offender, being Mr. Sacco? That he should be put in a
21 prison. He should be put in a prison to protect other
22 people. That's really my -- that's the basis.

23 THE COURT: So you want to redact out
24 paragraph 3, is that correct?

25 MR. FISCHER: Yes.

Shannon O'Connor - Cross

1804

1 MISS PEEBLES: So what do you want me to do,
2 white it out?

3 THE COURT: I'll receive it. You going to
4 show it to her?

5 MISS PEEBLES: I was going to.

6 THE COURT: You did already. I'm going to
7 receive it in evidence subject to redaction. You just use
8 the first two paragraphs.

9 MISS PEEBLES: Got it.

10 (In open Court).

11 THE COURT: Okay. We'll receive Defendant's
12 O-61 subject to redaction.

13 (Jury present).

14 THE COURT: Okay, Miss Peebles.

15 BY MISS PEEBLES:

16 Q Shannon, when we took a break I was asking you some
17 questions about the victim impact statement that you signed.
18 And now it's been received into evidence as Defense Exhibit
19 O-61. Now, in that document it was a typed document and your
20 signature's on the bottom of that, is that correct?

21 A Yes.

22 Q And you state in there that when your mom found out
23 what happened she said she was very sorry and is going to
24 move out. At this time my mom and I are not allowed to talk
25 about it. I want our visits to be happy anyways. That's

1 what you signed off on May 21 of '07, correct?

2 A Correct.

3 Q And you weren't allowed to talk at all about what
4 had gone on and what she had disclosed to the police from
5 March 2, is that a fair statement?

6 A Yes.

7 Q You weren't supposed to talk to your mom at all
8 about that, right?

9 A Yes.

10 Q Now, I'm going to ask you some more questions about
11 your grand jury testimony. You testified in front of some
12 grand jurors in state court. We need to holdup. The mike's
13 not operational.

14 I'm going to ask you some questions now about your
15 testimony in front of the grand jury. You remember you
16 testified in front of some grand jurors in state court, do
17 you remember that?

18 A Yes.

19 Q And you were asked this question: After the first
20 time, why didn't you tell your mom the next day?

21 "ANSWER: Because I was afraid to and I was
22 embarrassed.

23 Do you recall giving that answer when you were
24 asked that question by the district attorney when you
25 testified in front of the grand jury?

Shannon O'Connor - Cross

1806

1 A I don't remember what I said.

2 MISS PEEBLES: I don't think this has been
3 marked so I'm going to mark this as Defense Exhibit 56.

4 THE COURT: It doesn't make any difference.
5 We can do it that way. Fifty-six is okay.

6 BY MISS PEEBLES:

7 Q Shannon, I'm going to hand you what's been marked
8 as Defense Exhibit O-56 and ask you to take a look at the
9 bottom of page 12. Read that to yourself.

10 A Yes.

11 Q Does that refresh your recollection about what you
12 told the grand jury?

13 A That's what it says.

14 Q It says that you were afraid to and that you were
15 embarrassed, correct?

16 A That's what it says.

17 Q I want to talk about your trips to the YMCA. Do
18 you understand my question?

19 A Yes.

20 Q All right. You have a card when you go to the YMCA
21 that you have to scan in when you go there, is that correct?

22 A Yes.

23 Q Every time you do that it logs in the date and
24 exact time you're at the YMCA?

25 A I don't know. You had to sign in to get in the

1 building.

2 Q Did you have a card that you used when you go into
3 the building?

4 A Yes, I did.

5 Q Now, there were occasions where you checked into
6 the YMCA on the exact date and time as Mr. Sacco, is that
7 correct?

8 A Yes.

9 Q And that was on at least five occasions when you
10 went to the YMCA in Norwich, is that correct?

11 A I don't remember.

12 Q If I showed you what's been already entered into
13 evidence as Defense or Government Exhibit 13 and Defense
14 Exhibit O-2, would that help refresh your recollection?

15 A Just because you show me something doesn't -- it
16 isn't going to make me remember everything.

17 Q Well, you do recall going to the YMCA with Mr.
18 Sacco when you lived at 45 Fair Street, is that a fair
19 statement?

20 A A couple of times.

21 Q More than two?

22 A I don't remember.

23 Q Do you recall going there on December 22 at the
24 same time as Mr. Sacco?

25 A I do not remember the dates.

Shannon O'Connor - Cross

1808

1 Q Do you remember going there on December 23 with Mr.
2 Sacco?

3 A I do not remember the dates.

4 Q Do you remember December 24?

5 A I do not remember the dates.

6 Q Okay. Well, December 24 is Christmas Eve, do you
7 remember that date?

8 A I don't remember.

9 Q Do you recall going to the YMCA on December 27,
10 your birthday?

11 A I don't remember the dates.

12 Q Well, you testified about your birthday earlier.
13 You were stating that Mr. Sacco had come over to eat
14 cheesecake at your house, do you remember that?

15 A Yes.

16 Q All right. Do you remember that date, are you sure
17 you remember that it was on your birthday on December 27?

18 A Yes.

19 Q So you remember Mr. Sacco coming over, it's your
20 testimony, and you had cheesecake on December 27, correct?

21 A Yes.

22 Q Now, do you remember going to the YMCA on
23 December 27 on your birthday?

24 A I don't remember but that's what it says.

25 Q Mr. Sacco didn't go to the YMCA on December 27 with

1 you, did he?

2 A I don't know.

3 Q Well, it looks like on the 24th, 11:14 and 11/25,
4 that you were at the YMCA the same time as Mr. Sacco?

5 A What?

6 Q That was on Christmas Eve, do you remember that?

7 A That's what the paper says, but I don't remember
8 going.

9 Q And on December 27 we already talked about the fact
10 that there was a nine-minute phone call to Glenwood Furniture
11 in New Jersey, do you remember that, right?

12 A Yes.

13 Q And your home records reflect that there was a
14 nine-minute phone call at 4:44 PM on your birthday to
15 Glenwood Furniture, correct?

16 A Correct.

17 Q And you knew that's where Mr. Sacco was employed,
18 correct?

19 A I did not know that then.

20 Q Do you know that now?

21 A Yes.

22 Q Shannon, I want to talk to you about the first
23 statement that you gave that's been received into evidence as
24 Defense Exhibit O-1 where you state that Dean told me to ask
25 my mom to come up to his apartment and bring a board game.

Shannon O'Connor - Cross

1810

1 And I asked my mom and she said it was okay. I brought the
2 game Sorry up with me. Do you remember writing that or
3 telling Mr -- or Detective Blenis that when you were first
4 questioned about what was going on with Mr. Sacco and
5 yourself?

6 A Yes.

7 Q Now, you were able to recall events because you
8 recalled that you had been living with Renee Lang from
9 August 20 up until sometime in mid October, correct?

10 A I don't remember when I went to live with Renee but
11 I remember living with her during August to October.

12 Q And you refer to your stay with Renee Lang in
13 Nineveh in your first statement, correct?

14 A Yes.

15 Q And you also refer to when you first moved in at 45
16 Fair Street in Norwich. So you know you moved in in 2006,
17 August of 2006, to 45 Fair Street, you know that date, right?

18 A Yes.

19 Q Now you talk about Thanksgiving. You say in the
20 statement that Dean had Thanksgiving dinner with you and your
21 mom and she had a turkey and other stuff. Do you remember
22 that?

23 A Can you rephrase -- say the question again.

24 Q Do you remember saying in your statement that on
25 Thanksgiving, Dean ate dinner with me and my mom. She made a

Shannon O'Connor - Cross

1811

1 turkey and other stuff. You did not eat. Do you remember
2 saying that in that statement?

3 A Yes.

4 Q Now, you went up -- it was in your first statement
5 that you indicated that you went up with Mr. Sacco on
6 Thanksgiving day up to the apartment upstairs where he was
7 living on the second floor, correct?

8 A That's what I had said.

9 Q All right. Now, in your testimony here yesterday,
10 from what I remember you stated that your mom had
11 Thanksgiving dinner at your house and Mr. Sacco was present
12 and you thereafter went in your bedroom where you were
13 sexually abused and photographs were taken, is that what your
14 testimony was yesterday?

15 A Yes.

16 Q Now, when you gave this second statement in
17 October, which is Defense Exhibit O-3, you talk about Dean
18 coming over to your house toward the end of October of '06
19 where you're in your room listening to music and Mr. Sacco
20 you said came over. Do you remember that?

21 A I don't remember the date but I remember him coming
22 over.

23 Q Okay. But you say in this second statement that
24 while you were in your room your mom and Dean came into your
25 room and Dean told you to get undressed and lie on the bed

1 and that's what you said in this second statement. Do you
2 remember that?

3 A That's what it says.

4 Q And you said your mom took pictures of you, of Dean
5 raping you and that was in October in your bedroom and you
6 gave that statement on October 29 of '07, is that correct?

7 A That's what the date says.

8 Q So, what's contained in this statement, so we're
9 clear, is different than what you testified about yesterday,
10 is that true?

11 A Yes. The dates are wrong.

12 Q Because you testified yesterday that it was on
13 Thanksgiving that your mom came into your bedroom, that's
14 what you said yesterday, Thanksgiving, correct?

15 A Yes. But if you had three years of this, you
16 wouldn't get all the dates right either.

17 Q Well, Thanksgiving is a day that you seem to
18 remember, that's why I'm asking you. Now, you didn't say
19 that when it was closer in time to what you were claiming
20 happened which was October 29, is that a fair statement?

21 A Yes.

22 Q Now, you said in this statement that you were mad
23 and you were going to run away but your windows were painted
24 shut, do you remember saying that?

25 A Yes.

Shannon O'Connor - Cross

1813

1 Q But you did run away. You ran away on January 11
2 of 2007, do you remember that?

3 A Yes.

4 Q And your mom called the Norwich Police Department
5 from her cellphone to find you?

6 A I don't know where she called from.

7 Q Well, did the Norwich Police Department show up at
8 Brooke Parmalee's house?

9 A Yes.

10 Q And did they take you home?

11 A Yes, they did.

12 Q Did they scold you for not obeying your mom?

13 A I don't know. I wasn't quite paying attention.

14 Q Did the officer explain to you that you could not
15 just disobey your mother and leave whenever you felt like it.
16 Did he tell that to you?

17 A I don't remember what he said.

18 Q In fact, Shannon, isn't it a fair statement to say
19 that if you ever got upset with your mother you would just
20 leave, isn't that true?

21 A No.

22 Q Well, you did on January 11, didn't you?

23 A Yeah. That's one time.

24 Q Well, it didn't matter that the windows were
25 painted shut, you just walked out of the house, right?

Shannon O'Connor - Cross

1814

1 A Yeah.

2 Q And it was after dark, it was 8:00, somewhere
3 around there?

4 A I don't remember but I believe it was dark.

5 Q Now, I want to talk about your relationship with
6 Grandma Lang when you were living with her. Do you
7 understand my question?

8 A Yes.

9 Q All right. When you were living with her she would
10 ask you to do things such as chores, do you remember her
11 asking you to do some chores?

12 A Yeah.

13 Q And do you remember refusing to do those chores?

14 A Sometimes, yeah.

15 Q And you would walk away and slam the door?

16 A I could have. Not every time she asked me to do a
17 chore though.

18 Q By the time the beginning of October rolled around,
19 you hated living with your Grandma Lang, isn't that fair to
20 say?

21 A I didn't hate it but I didn't like it.

22 Q Well, didn't you tell your counselor that you could
23 really appreciate living with your mom because there were too
24 many rules at your Grandma Lang's house, do you remember
25 that?

Shannon O'Connor - Cross

1815

1 A I don't remember what I said.

2 Q If I showed you a document, might it refresh your
3 recollection?

4 A I don't know.

5 Q Do you want to try?

6 A Whatever you want.

7 Q I'm going to hand you what's been marked as Defense
8 Exhibit O-62 and ask if you can take a look at that and read
9 it to yourself, the highlighted portions?

10 A Thank you.

11 Q Do you remember telling that to your counselor
12 after reading that document?

13 A I don't remember exactly what I said but if that's
14 written, then I must have said it.

15 Q Shannon, did you ever receive an award for being
16 one of the most creative story tellers, do you recall
17 receiving an award for that?

18 A Yeah, I think when I was in fourth or third grade.

19 MISS PEEBLES: I have no further questions.

20 THE COURT: Mr. Lovric.

21 REDIRECT EXAMINATION

22 BY MR. LOVRIC:

23 Q Good afternoon, Shannon.

24 A Good afternoon.

25 Q Good afternoon.

Shannon O'Connor - Redirect

1816

1 A Good afternoon.

2 Q I'm not going to be long at all.

3 A Thank you.

4 Q I promise. Shannon, let's talk about this question
5 that I think Mr. Fischer and Miss Peebles asked you about,
6 boyfriends, okay?

7 A Yes.

8 Q You talked a little bit about boyfriends with them.
9 Tell us a little bit more, what do you mean when you say that
10 you had a boyfriend I think you said in fifth grade and maybe
11 sixth grade, what does that mean?

12 A I -- we would date and our dating was, you said
13 hello in the hallways. You'd try to sit together at lunch at
14 least couple times a month and it was something to say I have
15 a boyfriend.

16 Q Okay. Did the boys that you like, did they even
17 sometimes know whether you liked them or not?

18 A Yeah, they knew or they wouldn't have dated me.

19 Q Okay. Did you ever, with any of these boys that
20 you say are boyfriends, did you ever go anywhere like outside
21 the school?

22 A One time, I don't remember exactly when, I went to
23 the movies with Ross who was my first date.

24 Q What did you guys do at the movies?

25 A I ate his popcorn, made him buy more popcorn. He

Shannon O'Connor - Redirect

1817

1 brought his friend so they were talking and throwing stuff
2 and we weren't watching the movie.

3 Q Okay. They were acting like boys and you were
4 trying to watch the movie?

5 A Yeah. I had already seen the movie so --

6 Q Okay. And is that about the extent of when you say
7 you had a boyfriend, like the kind of stuff you did. You sat
8 at lunch together, you talked, maybe threw a couple spit
9 balls at each other once in a while?

10 A Yeah.

11 Q Okay. Shannon, Miss Peebles showed you records,
12 records dealing with the TracFone phone that you had. Do you
13 remember looking at those?

14 A Yes, I do.

15 Q Do you remember her asking you questions about a
16 number that began with 908 area code?

17 A Yes.

18 Q Here's my question: Other than when you were with
19 Detective Blenis, okay, at his office and making phone calls
20 with him, other than that, did you ever use any telephone,
21 whether your TracFone or the home phone, your mom's home
22 phone, to call Dean Sacco?

23 A I do not believe so.

24 Q Okay. And when you were at school I think I asked
25 you, but I'd like to ask you again, when you were at school

Shannon O'Connor - Redirect

1818

1 where was your TracFone?

2 A In my bedroom.

3 Q At your mom's house?

4 A Yes.

5 Q Okay. Now, were you ever at home, at your house,
6 at 45 Fair Street, were you ever at home when Dean Sacco
7 called to talk to your mom?

8 A A couple of times I was, yes.

9 Q Okay. Did you know what your mom and Dean Sacco
10 talked about when he called her?

11 A Sometimes it would be about money but I don't know
12 about the other times.

13 Q Okay. Did Dean Sacco ever call 45 Fair Street,
14 your mom's house, and ask to speak to you?

15 A I don't remember.

16 Q Okay. Miss Peebles talked to you about this
17 nine-minute phone call that she identified for you. Do you
18 remember that?

19 A Yes.

20 Q Did you make that call?

21 A No.

22 Q Do you know if your mom called Dean Sacco for those
23 nine minutes?

24 A I'm not sure.

25 Q But you didn't call him?

Shannon O'Connor - Redirect

1819

1 A No.

2 Q Okay. Now, Miss Peebles, a few minutes ago showed
3 you that statement, March 2, 2007, do you remember looking at
4 that on the screen?

5 A Yes.

6 Q And then Mr. Fischer yesterday also talked to you
7 about that statement. And do you remember when Mr. Fischer
8 asked you about what you said in that statement and how you
9 left your mom out. Do you remember what you said to him
10 yesterday?

11 A Yes.

12 Q What was it that you said to him yesterday?

13 A I said that I had left my mom out because I had a
14 fear that I was going back to live with her.

15 Q Okay. And is that the reason in that March 2
16 statement, there is no mention of your mom or anything that
17 your mom was involved in doing with Dean Sacco and you?

18 A Yes.

19 Q Is that the reason why in that statement there's no
20 mention of your mom using a camera on Thanksgiving?

21 A Yes.

22 Q So that's why you didn't tell Detective Blenis
23 about that at that time, right?

24 A No.

25 Q And that's why it's not in there?

Shannon O'Connor - Redirect

1820

1 A Yes.

2 Q Now, Mr. Fischer asked you about Dean giving you
3 marijuana, do you remember that?

4 A Yes.

5 Q When do you remember Dean Sacco giving you
6 marijuana?

7 A I don't remember which time. I believe it was
8 around Thanksgiving.

9 Q And was this after he raped you on Thanksgiving?

10 A I don't remember.

11 Q Okay. But it was when he was at your house?

12 A Yes.

13 Q I just want to clarify something, Shannon. Prior
14 to you and your mom moving to Norwich at 45 Fair Street,
15 prior to that did you ever, prior to that, receive any kind
16 of mental health counseling prior to coming to live at 45
17 Fair Street at Dean Sacco's house?

18 A Not that I remember.

19 Q Now, do you remember Mr. Fischer showing you this
20 bag?

21 A Yes.

22 Q Okay. And he asked you about another brown bag, do
23 you remember that?

24 A Yes.

25 Q Now, the brown bag that you were telling Detective

Shannon O'Connor - Redirect

1821

1 Blenis about, is that this bag?

2 A No.

3 Q Okay. So you were telling him about a different
4 bag?

5 A Yes. That's not brown.

6 Q Okay. And the bag that you told Detective Blenis
7 about, which camera did you tell Detective Blenis that Dean
8 Sacco had put into the brown bag that you described for
9 Detective Blenis?

10 A The one he used that my mom used and that the first
11 time he used.

12 Q Was it this camera?

13 A No.

14 Q Okay. So you were talking about the other camera
15 that you described for me yesterday that had the zoom lens?

16 A Yes.

17 Q So you're talking about a different camera, not
18 this camera?

19 A Yes.

20 Q Okay. Just so we're clear on that. Okay.

21 Shannon, I'd like to -- I'd like to talk a little bit about
22 the timeline, the time sequence of events when you were first
23 going to George Lang's when things began to happen at George
24 Lang's and then when you stopped going there. Okay. I'd
25 like to start by asking you about Christmas or excuse me. Do

Shannon O'Connor - Redirect

1822

1 you remember the flood of 2006?

2 A Yes.

3 Q Okay. What time of year in 2006 do you remember
4 that flood happening?

5 A In June.

6 Q Okay. Let's start with that, June 2006. The
7 Christmas before that, December of 2005, okay?

8 A Okay.

9 Q Where did you spend Christmas, that Christmas?

10 A I believe we had spent it at home.

11 Q Home being where?

12 A Eleven River Street.

13 Q Why was it you had Christmas at 11 River Street?

14 A Because George and my mom were fighting.

15 Q From Christmas 2005, up until the flood, June of
16 2006, were you and your mom going to the Lang's between those
17 two dates, between Christmas of 2005 and the flood?

18 A I don't believe so, no.

19 Q So you had stopped going?

20 A Yes.

21 Q The Christmas before the Christmas of 2005, so I'm
22 going to talk about Christmas of 2004, okay?

23 A Yes.

24 Q Do you remember where you spent that Christmas?

25 A I believe it was at George's house.

Shannon O'Connor - Redirect

1823

1 Q At the Lang residence?

2 A Yes.

3 Q And prior to that Christmas, Christmas of 2004, for
4 how long would you say you had been going to George's house
5 prior to that Christmas of 2004?

6 A How old was I in 2004?

7 Q You're going to have to do the math for me. I'm
8 not good at math.

9 A I was nine or ten in 2004.

10 Q Okay. What year were you born in?

11 A Ninety-three.

12 Q Okay. Let's see. Ninety-three, how much do you
13 have to add to get to 2004? I need a calculator. Count it
14 up on your hands. Ninety-three?

15 A '94, '95, '96, '97, '98, '99, 2001, 2002, 3, 4. I
16 was ten.

17 Q Ninety-three to just before -- just before your
18 birthday in 2004 you're ten, then you turn 11 in 2004, right?

19 A I believe so.

20 Q Okay. So I guess my question is: Prior to that
21 Christmas that you spent at George Lang's, Christmas of 2004,
22 had you and your mom been going to up George Lang's house
23 before that Christmas?

24 A Yes.

25 Q Okay. How about that prior summer, the summer of

Shannon O'Connor - Redirect

1824

1 2004?

2 A I don't remember when we started going up. It was
3 after they started helping my mom with the computer.

4 Q Okay. How, if you can, how soon after you started
5 to go, you and your mom to George Lang's house, how soon
6 after that did the sexual things start happening between you,
7 your mom, and George?

8 MISS PEEBLES: Objection. Leading.

9 THE COURT: Overruled.

10 Q Do you understand my question, Shannon?

11 A Oh, I didn't know what that meant. Can you restate
12 that, please.

13 Q Sure. After you and your mom started to go to
14 George's house to spend weekends, okay, after that started,
15 how soon after that was it that these things started to
16 happen that you described for us yesterday?

17 A All I remember was around when it was snowing.

18 Q Okay. Okay. Miss Peebles showed you a number of
19 letters that were written from your mom to you or from you to
20 your mom. Do you remember those letters?

21 A Yes.

22 Q That's while your mom was in jail?

23 A Yes.

24 Q And in those letters you said some things to your
25 mom about how much you missed her and cared about her?

Shannon O'Connor - Redirect

1825

1 A Yes.

2 Q Did you mean those things?

3 A Yes.

4 Q And were you still at that time, when you wrote
5 those letters, were you still hoping to get back together
6 with your mom?

7 A Yes.

8 Q And in a couple of those letters you wrote some
9 things about how your mom had hurt you, do you recall that?

10 A Yes.

11 Q Where you talked -- what were you referring to when
12 you were writing in those letters to your mom about the fact
13 that she had hurt you and done things that you would never do
14 to anybody?

15 A What she had done to me.

16 Q And when you say that, what do you mean?

17 A When she started sexually abusing me.

18 MR. LOVRIC: Can I have Defense Exhibit 53,
19 please? I found it right here.

20 Q Shannon, I'm going to read from the letter that's
21 in evidence, Defense Exhibit 53. It says the following,
22 middle of the letter, dated September 13, '07. It starts
23 with dear mom: It says I love you even though you put me
24 through hell. I am not going to deal with it anymore. I'm
25 sick of it. I now have to always remember the stuff I went

Shannon O'Connor - Redirect

1826

1 through. You said you were a mother. If I was a mother I
2 would never have -- I would never -- I would have never, ever
3 let someone hurt my kids. I would die before I let someone
4 hurt my kids. So now you know how I feel. But I -- though I
5 went through hell I still love you so much. I will die to
6 make you -- to make your life easier.

7 Do you remember writing that?

8 A Yes.

9 Q What did you mean when you told your mother that
10 she put you through hell and that you would never do that to
11 your kids?

12 A What she had done to me.

13 Q Sexually abusing you?

14 A Yes.

15 Q Shannon, I'm going to read from Defense Exhibit 59,
16 a note written by you on September 14, 2007. Today I feel
17 mad and depressed at 6:23 PM. I know today will be a bad
18 day. I hate myself. I am so ugly. I wish I was dead,
19 underlined three times. I am not worth it. I have -- am
20 nothing but a piece of shit. My mom hates me and is going to
21 pick my father instead of me. I wish someone would kill me.
22 I deserved to be raped. It was my fault. I'm going to kill
23 myself with pills.

24 When you said that you deserved to be raped in that
25 letter, who were you referring to having raped you?

Shannon O'Connor - Redirect

1827

1 A All of them.

2 Q Your mom?

3 A My mom, George, and Dean.

4 Q My final question, Shannon, is: As you sit here
5 right now having gone through two days of being here in
6 Court, what are you feeling as far as your -- your best --
7 your best assessment or how you best can describe what you
8 think and feel about your mom as you sit here right now?

9 A I love her. I hate everything she did. I hope she
10 knows that I still love her.

11 MR. LOVRIC: That's all the questions.

12 THE COURT: Mr. Fischer.

13 MR. FISCHER: Thank you, your Honor.

14 RECROSS-EXAMINATION

15 BY MR. FISCHER:

16 Q Miss O'Connor, do you remember the document that
17 Miss Peebles showed you, the typewritten document that you
18 signed?

19 A Which one.

20 Q I'll put it on the screen. I think it's Exhibit
21 O-54, do you see that on the screen?

22 A Yes, I do.

23 Q You don't remember who typed that?

24 A No, I do not.

25 Q In August of '07, August 1 of '07, did you have

1 access to a computer?

2 A Yes.

3 Q Where?

4 A At my foster family's.

5 Q The Hamiltons?

6 A Yes.

7 Q They had word processing software on the computer?

8 A Yes.

9 Q Did they have internet access?

10 A Yes. That's how I got on My Space.

11 Q That's how you got on My Space?

12 A Yes.

13 Q And you accessed Elizabeth Chesebro's My Space
14 page?

15 A I went on it to talk to her.

16 Q Now, when you get to Liz Chesebro's My Space page,
17 there's a lot of stuff that you can get to from her page, am
18 I correct?

19 A Like her friends and her pictures.

20 Q Did you access those other links?

21 A You mean her pictures?

22 Q Did you access anything from Liz Chesebro's page
23 beyond her page?

24 A What do you mean, her pictures or her friends?

25 Q Either.

1 A I looked at her pictures.

2 Q Did you access her friends?

3 A I looked at a couple of times.

4 Q Did you do -- did you go beyond looking at her
5 pictures and her friends when you went to Liz Chesebro's My
6 Space page?

7 A No. That's all you can get on.

8 Q Okay. Many --

9 A Wow.

10 Q Miss Peebles asked you a number of questions about
11 the hallucinations, do you remember those questions?

12 A Yes, I do.

13 Q When you said you had hallucinations, you got
14 additional meds?

15 A Yes.

16 Q You would also get additional meds if you freaked
17 out?

18 A Yes.

19 Q Mr. Lovric asked you a number of questions about
20 why certain things were left out of your March 2007 statement
21 just a couple of minutes ago, do you remember that?

22 A Yes.

23 Q Did you leave anything about George Lang out of
24 your March 2007 statement because you didn't want to go back
25 with your mom?

Shannon O'Connor - Recross

1830

1 A Because I didn't want -- if I went back there would
2 be trouble.

3 Q Why did you leave George Lang out of your
4 March 2007 discussion with Detective Blenis?

5 A Because my mom was there.

6 Q Oh, she was with George Lang?

7 A Yes.

8 Q Okay. When you spoke with Detective Blenis, you
9 only told Detective Blenis about a camera in a brown bag,
10 correct?

11 A I believe so but I do not remember.

12 Q Do you remember that you never told Detective
13 Blenis about a camera in a black bag?

14 A I do not remember.

15 Q You may have told him that?

16 A I do not remember.

17 Q Now, the first time that you ever talked about a
18 camera where you could see the picture on the back of it was
19 when you were at Mr. Lovric's office within the past few
20 months, am I correct?

21 A I don't remember.

22 Q Do you remember that the first time you ever made a
23 disclosure about a camera where you could see pictures on the
24 back was at Mr. Lovric's office without regard to time?

25 A I do not remember.

1 Q Do you remember meeting with Mr. Lovric here in the
2 Federal Building?

3 A Yes.

4 Q Do you remember Mr. Lovric pulling out that camera
5 that he showed you today?

6 A Yes.

7 Q And that camera has a place where you can look at
8 pictures on the back of it?

9 A I believe so.

10 Q Have you ever told anyone that Mr. George Lang
11 continued to sexually abuse you until two months before the
12 flood?

13 A I do not remember.

14 Q You don't remember whether you've said that or not?

15 A I'm pretty sure I didn't tell anybody.

16 Q So you're quite sure that you've never said that to
17 anybody?

18 A Yes.

19 Q In February of 2007, within a month before you
20 spoke with Detective Blenis, you were at the YMCA shooting
21 baskets with Mr. Sacco, am I correct about that?

22 A I don't remember when but I remember shooting
23 baskets with him.

24 Q You don't remember when that was in relation to
25 when you spoke with Detective Blenis?

Shannon O'Connor - Recross

1832

1 A No.

2 MR. FISCHER: Those are all the questions I
3 have.

4 THE WITNESS: Thank God.

5 THE COURT: Miss Peebles.

6 RECROSS-EXAMINATION

7 BY MISS PEEBLES:

8 Q Shannon, your mom and the Langs had had their
9 falling out in the spring of '06, isn't that true?

10 A Yes.

11 Q So, you were having contact with the Langs and your
12 mom between December of '05 and April of '06, correct?

13 A Can you repeat that, please.

14 Q When Mr. Lovric was asking you questions, it
15 sounded to me like what you were saying is that your mom had
16 had a falling out with the Langs in December of '05, so after
17 that you didn't have any contact with them. That's not what
18 you were saying, is it?

19 A Yeah, it was.

20 Q That's not true, isn't it? Your mom had a falling
21 out with the Langs in the spring of '06, isn't that when that
22 happened?

23 A They had a falling out in December too because they
24 sold my bb gun.

25 Q You and your mom had contact with the Langs between

1 December of '05 and April of '06, didn't you?

2 A I don't know. I didn't talk -- I didn't write to
3 him.

4 Q Shannon, it was seven times during the videotaped
5 interview of December 5 where you were very sure that you
6 were 11 and a half, going on 12, when George Lang supposedly
7 touched you in a sexual way, isn't that true?

8 A That's what the video says.

9 Q Now, how many times did you talk with Mr. Lovric
10 about Mr. Lang, how many times?

11 A I don't remember.

12 Q He talked to you about the time frame, is that a
13 fair statement?

14 A Yes.

15 Q Was he explaining to you that Mr. Lang was sick in
16 December of '05?

17 A I don't remember.

18 Q Well, were you aware that there were e-mails that
19 were generated between Grandpa Lang and your mom between
20 December of '05 and April of '06, were you aware of that?

21 A No.

22 Q It was only after you spoke to Mr. Lovric that your
23 time frame changed, is that a fair statement?

24 A What do you mean, your?

25 Q Your time frame with regard to when you were

Shannon O'Connor - Recross

1834

1 claiming things happened between George Lang and your mother.

2 A Yes.

3 Q So it was after you spoke to the prosecutor now
4 your time frame is different, is that a fair statement?

5 A Yes.

6 MISS PEEBLES: No further questions.

7 THE COURT: Mr. Lovric.

8 REDIRECT EXAMINATION

9 BY MR. LOVRIC:

10 Q Shannon, I want to be crystal clear. Did I ever
11 tell you what you should say in Court?

12 A No.

13 Q What is the one thing that I've told you every time
14 we met, that you should do every time you're in Court and
15 you're asked any question by either me or any defense
16 attorney?

17 A Be honest.

18 Q Did I or Agent Lyons or anybody ever suggest to you
19 what you should say or not say?

20 A No.

21 MR. LOVRIC: That's all I have.

22 THE COURT: Mr. Fischer?

23 MR. FISCHER: No questions, your Honor. Thank
24 you.

25 THE COURT: Miss Peebles?

Shannon O'Connor - Redirect

1835

1 MISS PEEBLES: Nothing.

2 THE COURT: Okay. Thank you, Shannon. You
3 may step down.

4 (Witness excused).

5 THE COURT: Mr. Lovric.

6 MR. LOVRIC: Judge, I know you're going to
7 hate me for this. I wonder if we could break early. I
8 didn't know whether we'd go all day. So the next witness
9 isn't here. I can have her here but it would take her about
10 20 minutes to get here anyway.

11 THE COURT: All right. Ladies and gentlemen,
12 this is where we're going to break today and tomorrow morning
13 we'll see you at 9:30 again and let me remind you not to
14 discuss the case among yourselves, with anybody else or
15 permit anyone to discuss it with you. Have a nice evening.
16 Don't watch any media. Don't do any research on your own.
17 Maybe you can think of something else to read next time.

18 (Jury excused).

19 THE COURT: Okay. Now, tomorrow's a full day?

20 MR. LOVRIC: What day is tomorrow, Judge,
21 Thursday? I just lost track of days.

22 THE COURT: Do you have enough witnesses for
23 the day?

24 MR. LOVRIC: Yes, Judge. Depending on cross,
25 I may finish tomorrow. I just have several witnesses which I

1 think are short but --

2 MISS PEEBLES: Judge, should we be prepared to
3 have a defense witness available or did you want to -- it's
4 up to you?

5 THE COURT: Well, we're going -- let's see,
6 Friday, the jury said they wanted to come in at 9:30 and go
7 to 1:00, so you could plan on having witnesses then.

8 MISS PEEBLES: On Friday?

9 THE COURT: Yeah, on Friday. I don't think
10 it's really necessary to have them here Thursday. If Mr.
11 Lovric finishes a little early then that's what we'll do. Is
12 is that all right with everybody?

13 MISS PEEBLES: Yes.

14 MR. FISCHER: Thank you.

15 THE COURT: Court stands adjourned.

16 (Court stands adjourned)
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C E R T I F I C A T I O N

I, VICKY A. THELEMAN, RPR, CRR, United States Court Reporter in and for the United States District Court, Northern District of New York, do hereby certify that I attended at the time and place set forth in the heading hereof; that I did make a stenographic record of the proceedings had in this matter and cause the same to be transcribed; that the foregoing is a true and correct copy of the same and the whole thereof.

VICKY A. THELEMAN, RPR, CRR
United States Court Reporter
US District Court - NDNY

Dated: August 15, 2008.